

# PENNSYLVANIA BULLETIN

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**No. 441, August 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing (Commission) announces the following public meeting, to be held at the Crowne Plaza Hotel, 23 South Second Street, Harrisburg, PA 17101:

Wednesday, September 21, 2011	Evening Dinner Meeting	6:30 p.m.
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The Commission announces the following public meetings, to be held at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA 17106:

Thursday, September 22, 2011	Policy Committee Meeting	9 a.m.
Thursday, September 22, 2011	Quarterly Commission Meeting	1 p.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 11-1368. Filed for public inspection August 12, 2011, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

**Adoption of Rule 704 of the Rules of Judicial Administration; No. 367 Judicial Administration Doc.**

### Order

*Per Curiam*

And Now, this 27th day of July, 2011, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 704 of the Pennsylvania Rules of Judicial Administration is adopted in the following form.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of Pa.R.J.A. No. 704 is found to be in the interest of efficient administration.

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

### Annex A

## TITLE 201. RULES OF JUDICIAL ADMINISTRATION

### CHAPTER 7. ASSIGNMENT OF JUDGES

#### SUPERVISION AND ASSIGNMENT OF JUDGES

##### Rule 704. Judicial leave.

(A) *Policy statement.* It is the policy of the Unified Judicial System that jurists are required to devote the necessary time and attention to their judicial duties. Absences due to illness or disability shall not be abused and are subject to the review of the Supreme Court as part of the Court's constitutionally mandated responsibility to oversee the Unified Judicial System.

(B) *General rule.*

(1) *Initial report of illness or disability.* Any judge who, because of illness or physical or mental disability, is unable to substantially perform his or her duties for a period of fifteen (15) days or more within any thirty-day period shall provide a written report to the President Judge and to the Court Administrator of Pennsylvania.

(a) The report shall include a description of the nature of the illness or disability, the expected length of the absence, and a certification from the treating physician, psychiatrist, or psychologist of the judge's inability to substantially perform his or her duties.

(b) The report shall be submitted within ten (10) days of the date the judge becomes aware he or she will be absent for fifteen (15) days or more, but in any event no later than ten (10) days after the fifteenth day of the judge's absence.

(2) *Subsequent reporting of continuing illness or disability.* If a judge is unable to substantially perform his or her duties for thirty additional days beyond an initial fifteen -day period, the judge shall file, within ten (10) days after the thirty-day period, an updated report containing the information required in (B)(1)(a), except that the healthcare professional's certification shall state that the illness or disability persists and provide a medical

opinion as to the judge's anticipated return to service. Thereafter, the judge shall continue to file reports every thirty (30) days for as long as the illness or disability persists.

(3) *Duties of President Judge.*

(a) If a President Judge is unable to substantially perform his or her duties for a period of fifteen (15) days or more within any thirty-day period, the President Judge shall submit reports to the Court Administrator pursuant to (B)(1) and (2).

(b) If a President Judge is aware of a judge who has been unable to substantially perform his or her duties for at least fifteen (15) days within any thirty-day period but has not filed a report as required by this Rule, the President Judge shall communicate by letter to the judge that a report must be submitted within ten (10) days of the date of the letter. A copy of that letter shall be provided to the Court Administrator. If no response is received from the judge, the Court Administrator shall report the lack of response to the Supreme Court for appropriate action.

If the illness or disability is of such a nature that the judge cannot submit any of the reports required by this Rule, the President Judge shall make reasonable inquiry into the nature of the illness or disability and report the findings to the Court Administrator, who shall inform the Supreme Court of those findings.

(c) If a President Judge believes that a judge is suffering from a mental or physical disability that renders him or her incapable of substantially performing his or her judicial duties, and that immediate action is warranted, the President Judge, after consultation with the Court Administrator, may place the judge on administrative leave. The Court Administrator shall promptly advise the Supreme Court of any placements on administrative leave.

(d) When a President Judge is unable to substantially perform his or her duties, the Court Administrator shall perform the duties prescribed in (B)(3)(b) and (c).

(4) *Reporting to the Supreme Court.* The reports of any jurist who is unable to substantially perform his or her duties for a cumulative period of at least ninety days in any twelve-month period shall be forwarded by the Court Administrator to the Supreme Court for appropriate action.

(5) *Request for Independent Examination.*

(a) A President Judge may request that a judge who is unable to substantially perform his or her duties submit to an independent physical, psychiatric, or psychological examination. Such request shall be made in writing to the Court Administrator and shall explain the reasons for an independent examination.

If the Court Administrator agrees that an independent examination is justified, the President Judge shall inform the judge of the name of the physician, psychiatrist, or psychologist who will conduct the examination, and the judge shall submit to the examination within thirty (30) days of receiving notice from the President Judge and must agree to waive confidentiality protections so that the President Judge, Court Administrator and Supreme Court can be provided with the results of the examination.

(b) The Court Administrator may direct a jurist who is unable to substantially perform his or her duties to submit to an independent examination. The Court Administrator shall inform the jurist of the name of the physician, psychiatrist, or psychologist who will conduct the examination, and the jurist shall submit to the examination within thirty (30) days of receiving notice from the Court Administrator and must agree to waive confidentiality protections so that the President Judge, Court Administrator and Supreme Court can be provided with the results of the examination.

(C) *Confidentiality.* Any reports submitted pursuant to this Rule shall be confidential and subject to disclosure only to necessary judicial, administrative or disciplinary personnel.

(D) *Definitions.* For the purposes of this Rule:

(1) *Day* means a calendar day.

(2) *Judge* means a judge of a court of common pleas, Philadelphia Municipal Court, Philadelphia Traffic Court, the Superior Court of Pennsylvania, the Commonwealth Court of Pennsylvania, or a magisterial district judge.

(3) *Jurist* means both a judge and a President Judge.

(4) *President Judge* means the President Judge of a judicial district or, in the case of the Superior Court of

Pennsylvania, the Commonwealth Court of Pennsylvania, Philadelphia Municipal Court, or Philadelphia Traffic Court, the President Judge of the court.

(4) *Substantially perform* means to carry out on a full-time basis the essential and assigned responsibilities required of the judicial office.

**Official Note:** The time periods provided in the Rule are only the minimum periods of absence that trigger the reporting requirements of the Rule. A jurist may be unable to substantially perform his or her duties even if he or she reports to work in excess of the time periods provided, which would also require the filing of the reports mandated by the Rule. The key to an assessment of substantial performance is whether the jurist is carrying out the assigned duties of his or her position to the same extent as other jurists in the same or comparable position. A judge may be presumed to be unable to substantially perform his or her duties if, for example, the judge has been unable to work more than three hours in a day for a total of fifteen (15) days in a thirty-day period.

[Pa.B. Doc. No. 11-1369. Filed for public inspection August 12, 2011, 9:00 a.m.]

## SUPREME COURT

### Modification of the Magisterial Districts Within the Twelfth Judicial District; No. 282 Magisterial Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 29th day of July 2011, upon consideration of the Request of the President Judge of Dauphin County to modify Magisterial Districts 12-1-02, 12-1-04, 12-1-05, 12-2-04, and 12-2-05, in light of the Order of this Court eliminating Magisterial District 12-1-03 of the Twelfth Judicial District (Dauphin County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective September 2, 2011. The Order eliminating Magisterial District 12-1-03 is amended and the effective date of the elimination is September 2, 2011.

Said magisterial districts shall be as follows:

Magisterial District 12-1-02: Magisterial District Judge Barbara Pianka	City of Harrisburg, Wards 5, 6, 10-1, 10-3, 11, 12 & 14
Magisterial District 12-1-04: Magisterial District Judge Marsha C. Stewart	City of Harrisburg, Wards 3, 4, 8 & 9-1
Magisterial District 12-1-05: Magisterial District Judge George A. Zozos	City of Harrisburg, Wards 9-2, 9-3, 9-4, 9-5, & 13
Magisterial District 12-2-04: Magisterial District Judge Robert Jennings, III	City of Harrisburg, Wards 7, 10-2, 10-4 & 15
Magisterial District 12-2-05: Magisterial District Judge LaVon A. Postelle	City of Harrisburg, Wards 1, 2-1 & 2-2

[Pa.B. Doc. No. 11-1370. Filed for public inspection August 12, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

#### Special Permits; Mentored Youth Hunting Program

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 28, 2011, meeting amended § 147.804 (relating to general) to allow a mentor to transfer a valid antlerless license issued to the mentor to an eligible mentored youth upon the harvest of an antlerless deer.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 41 Pa.B. 2701 (May 28, 2011).

#### 1. Purpose and Authority

Since the successful implementation of the Mentored Youth Hunting Program (MYHP) in fall 2006, the Commission has been striving to find ways to improve this innovative program. The Commission reviewed comments from hunters and sporting organizations across this Commonwealth supporting an expansion of the MYHP to allow for limited antlerless deer hunting by mentored youth. The Commission recently determined that the appropriate resources are now available and this initiative can finally move forward. The Commission amends § 147.804 to allow a mentor to transfer a valid antlerless license issued to the mentor to an eligible mentored youth upon the harvest of an antlerless deer. A mentored youth will be eligible to receive a maximum of one antlerless deer license each license year.

Section 2711(a.1) of the code (relating to unlawful acts concerning licenses) states "For the sole purpose of implementing and enhancing a mentored youth hunting program within this Commonwealth, the commission may establish regulations exempting certain limited youth hunting activities from the prohibitions specified in subsections (a)(1), (3), (5) and (8). Such exemption shall include a provision limiting a mentored youth participating in a mentored youth hunting program to the receipt of no more than one antlerless deer license in each license year." The amendments to § 147.804 are adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 147.804 by adding language to allow a mentor to transfer a valid antlerless license issued to the mentor to an eligible mentored youth upon the harvest of an antlerless deer.

#### 3. Persons Affected

Persons wishing to hunt antlerless deer within this Commonwealth under the MYHP will be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received a total of two official comments concerning the final-form rulemaking. One supported and one opposed the transfer of antlerless licenses from a mentor to a mentored youth.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking may result in some additional cost and paperwork associated with the affects transferring tags will have on the Pennsylvania Automated License System. However, the Commission has determined that if there is any additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget.

#### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.804 to read as set forth at 41 Pa.B. 2701.

(b) The Executive Director of the Commission shall certify this order and 41 Pa.B. 2701 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-329 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-1371. Filed for public inspection August 21, 2011, 9:00 a.m.]



# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

### Special Permits; Furbearer Hunting-Trapping Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its June 28, 2011, meeting to amend § 147.701 (relating to general) to reduce the applicability of the Convention on International Trade in Endangered Species (CITES) tag to bobcats and international exports only.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 28, 2011, meeting of the Commission. Comments can be sent, until September 27, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

CITES is a comprehensive conservation treaty signed by 175 countries, including the United States. This international agreement regulates the commercial trade of wildlife species and works to ensure that international trade of species is sustainable and does not threaten their survival. In relevant part, CITES requires permanent tags to be affixed to carcasses or parts of species being exported internationally. The bobcat, while not threatened with extinction, is listed in CITES and trade is controlled to protect endangered cats that have fur and parts similar in appearance; therefore, CITES applies to international exportation of this species. CITES does not currently apply to fishers.

Current Commission regulations take this requirement a step further by requiring permittees to obtain and the Commission to issue CITES tags for every bobcat and fisher harvested that will be exported beyond this Commonwealth. The Commission has determined that this requirement is unnecessarily restrictive on permittees, over burdensome on the Commission and simply not applicable to fishers. The Commission is proposing to amend § 147.701 to reduce the applicability of the CITES tag to bobcats and international exports only.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 147.701 are proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 147.701 by reducing the applicability of the CITES tag to bobcats and international exports only.

#### 3. Persons Affected

Persons wishing to export bobcats harvested within this Commonwealth internationally will be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

#### 5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-331. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter S. FURBEARER HUNTING-TRAPPING PERMITS

#### § 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of fisher during the seasons established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

\* \* \* \* \*

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat or fisher shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a [ **permanent tag is provided** ] **Convention on International Trade in Endangered Species (CITES) tag is attached, if applicable, or the animal is mounted, tanned, made into a commercial fur or prepared for consumption.**

\* \* \* \* \*

(iii) [ **A permanent tag for a bobcat or fisher taken under this permit shall be provided by the Commission and locked immediately upon receipt of the tag. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth. The tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.** ] A CITES tag for a bobcat taken under this permit will be provided by the Commission in the event that the bobcat or any parts thereof are exported internationally or upon request of the permittee. The CITES tag shall immediately be



**locked through the eyes of the pelt or, in the event of any other part, locked through and attached to the part. The CITES tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.**

\* \* \* \* \*

[Pa.B. Doc. No. 11-1372. Filed for public inspection August 12, 2011, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 549, 561, 633a AND 645a ]

### Table Game Rules for Blackjack and Pai Gow Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), proposes to rescind Chapters 549 and 561 (relating to Blackjack; and Pai Gow Poker) and add Chapters 633a and 645a (relating to Blackjack; and Pai Gow Poker) to Subpart K (relating to table games) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

With this rulemaking, the Board is proposing to replace the temporary regulations in Chapter 549 with the permanent regulations in Chapter 633a and the temporary regulations in Chapter 561 with the permanent regulations in Chapter 645a.

#### *Explanation of Chapter 633a*

Chapter 633a contains the rules governing the play of Blackjack. Section 633a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the physical characteristics of the table and the card reader device, used to determine the value of the dealer's down card, are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Blackjack table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Standardized rules of play ensure fairness to the patrons who participate in table gaming at all licensed facilities in this Commonwealth. Additionally, the Board believes that the fundamental rules of play in Blackjack, including optional surrender and the requirement that dealers stand on a soft 17, achieves a fair and appropriate balance between the revenue generated for the certificate holders, and derivatively to the Commonwealth, and the fairness to patrons. At this time, the Board has maintained its current rules of play to ensure consistency in the rules of play at all licensed facilities during the continued full-implementation of legalized table gaming in this Commonwealth.

The Board did add two variations on Blackjack in § 633a.12 (relating to Blackjack variations). In subsection

(a), Blackjack Switch was added to allow patrons to switch the second card of the two hands dealt to each patron to form the best possible Blackjack hand. Subsection (b) allows the dealer to deal the cards from the hand and allows the patrons to touch the cards.

#### *Explanation of Chapter 645a*

Chapter 645a contains the rules governing the play of Pai Gow Poker. Section 645a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 645a.2 (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Pai Gow Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, the Board added the option of the player acting as the bank or co-bank instead of the dealer. This is a traditional way to play the game and is currently offered in the game of Pai Gow.

#### *Affected Parties*

Certificate holders that elect to offer the games of Blackjack and Pai Gow Poker will be required to comply with the requirements in these chapters. The requirements for the games are consistent with the objectives of 4 Pa.C.S. Part II (relating to gaming) and are necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submission, table layouts, signage and gaming guides.

#### *Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this proposed rulemaking. These reviews will be conducted by existing Bureau of Gaming Operations and Bureau of Casino Compliance staff, so the Board does not project that it will incur significant cost increases as a result of this proposed rulemaking.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Most municipalities and counties will benefit from the local share funding mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* This proposed rulemaking will result in additional costs for certificate holders that elect to offer Blackjack and Pai Gow Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

This proposed rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board web site.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Table Games Rules; Regulation # 125-155.

*Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 2, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

GREGORY C. FAJT,  
*Chairperson*

*(Editor's Note: Proposed Chapters 633a and 645a reference proposed Chapters 601a, 603a and 605a, which will be adopted on or before the date of final adoption of this proposed rulemaking.)*

**Fiscal Note:** 125-155. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart K. TABLE GAMES****CHAPTER 549. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 549 which appears*

*in 58 Pa. Code pages 549-1—549-22, serial pages (356591)—(356596), (350045)—(350048), (356597), (356598), (354781), (354782), (352371), (352372), (356735), (346736), (356453), (356454) and (356599)—(356602).)*

Sec.  
549.1—549.22. (Reserved).

**CHAPTER 561. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 561 which appears in 58 Pa. Code pages 561-1—561-27, serial pages (356457)—(356474), (354605)—(354610), (356475)—(356479).)*

Sec.  
561.1—561.13. (Reserved).  
561.13a. (Reserved).  
561.13b. (Reserved).  
561.13c. (Reserved).  
561.13d. (Reserved).  
561.14. (Reserved).

**CHAPTER 633a. BLACKJACK**

Sec.  
633a.1. Definitions.  
633a.2. Blackjack table; card reader device; physical characteristics; inspections.  
633a.3. Cards; number of decks; value of cards.  
633a.4. Opening of the table for gaming.  
633a.5. Shuffle and cut of the cards.  
633a.6. Wagers.  
633a.7. Procedure for dealing the cards; completion of each round of play.  
633a.8. Insurance Wager.  
633a.9. Surrender.  
633a.10. Double Down Wager.  
633a.11. Splitting pairs.  
633a.12. Blackjack variations.  
633a.13. Payout odds; payout limitation.  
633a.14. Irregularities.

**§ 633a.1. Definitions.**

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

*Any 20*—Two cards of different suits with a total value of 20.

*Blackjack*—An ace and any card having a point value of 10 dealt as the initial two cards to a player or the dealer.

*Card reader device*—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

*Crown Treasure Bonus*—An additional payout when both the player and dealer have a Royal Match.

*Determinant card*—The first card drawn for each round of play to determine from which side of a double shoe the cards for that hand shall be dealt.

*Double shoe*—A dealing shoe that has two adjacent compartments in which cards are stacked separately and from which cards may be dealt from only one compartment at any given time.

*Four-of-a-kind*—Four cards of the same rank.

*Hard total*—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Matched 20*—Two identical cards with a total value of 20 except for a queen of hearts pair.

*Pair*—Two cards of the same rank.

*Royal Match*—King and queen of the same suit.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

*Suited Match*—Two cards of the same suit that are not a king and queen.

*Suited pair*—Two cards of the same rank and suit.

*Suited 20*—Two cards of the same suit with a total value of 20.

*Three-of-a-kind*—Three cards of the same rank.

*Triple Match*—The player's initial two cards and the dealer's up card which are all the same rank.

**§ 633a.2. Blackjack table; card reader device; physical characteristics; inspections.**

(a) Blackjack shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Blackjack table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) A separate betting area designated for the placement of the Blackjack Wager for each player.

(3) The following inscriptions:

(i) Blackjack pays 3 to 2.

(ii) Insurance pays 2 to 1.

(iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Bureau of Gaming Operations.

(4) If the certificate holder offers the Lucky Ladies Twenty Point Bonus Wager authorized under § 633a.6(e)(1) (relating to wagers), a separate area designated for the placement of the Twenty Point Bonus Wager for each player.

(5) If the certificate holder offers the Match-the-Dealer Wager authorized under § 633a.6(e)(2), a separate area designated for the placement of the Match-the-Dealer Wager for each player.

(6) If the certificate holder offers the In Between Wager authorized under § 633a.6(e)(3), a separate area designated for the placement of the In Between Wager for each player.

(7) If the certificate holder offers the Royal Match 21 Wager authorized under § 633a.6(e)(4), a separate area designated for the placement of the Royal Match 21 Wager for each player.

(8) If the certificate holder offers the Bet the Set 21 Wager authorized under § 633a.6(e)(5), a separate area designated for the placement of the Bet the Set 21 Wager for each player.

(9) If the certificate holder offers the King's Bounty Wager authorized under § 633a.6(e)(6), a separate area designated for the placement of the King's Bounty Wager for each player.

(10) If a certificate holder offers Blackjack Switch authorized under § 633a.12(a) (relating to Blackjack variations), the table must be designated for play as a Blackjack Switch table and contain:

(i) Two separate areas designated for the placement of the two equal Blackjack Wagers for each player.

(ii) A separate area designated for the placement of the Super Match Wager for each player.

(11) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Blackjack table.

(12) An inscription indicating the payout limit per hand established by the certificate holder under § 633a.13(j) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Blackjack table.

(c) Each Blackjack table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Blackjack table must have a card reader device, approved by the Bureau of Gaming Operations, attached to the top of the dealer's side of the table. The floorperson assigned to the Blackjack table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

(f) When a double shoe is used at a Blackjack table, the height and marking requirements in subsection (e) for that table's discard rack shall be determined by the number of decks used in one side of the shoe.

**§ 633a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsections (b) and (c), Blackjack shall be played with at least one deck of cards that are identical in appearance and at least one cover card.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Blackjack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design. The backs of the cards in one batch must be of a different color than the cards included in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.



(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) If a double shoe is utilized, Blackjack shall be played with at least two decks of cards that shall be dealt from separate sides of the dealing shoe, with the same number of decks used in each side of the double shoe. The cards dealt from both sides of the shoe must be of the same design. The backs of the cards being dealt from one side of the shoe must be of a different color than the cards being dealt from the other side of the shoe. A separate cover card shall be used in each side of the shoe.

(d) The decks of cards opened for use at a Blackjack table shall be changed at least once every 24 hours unless the certificate holder is dealing Blackjack from the hand, in accordance with § 633a.12(b) (relating to Blackjack variations), in which the cards shall be changed at least every 4 hours.

(e) The value of the cards shall be as follows:

(1) Any card from 2 to 10 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

#### § 633a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 633a.5 (relating to shuffle and cut of the cards).

(d) If a double shoe is utilized, all decks that comprise one side of the dealing shoe shall be spread for inspection on the table separate from the decks that comprise the other side of the dealing shoe. After the player is afforded an opportunity to visually inspect the cards, the cards that comprise one side of the dealing shoe and the cards that comprise the other side of the dealing shoe shall separately be turned face downward on the table, mixed thoroughly by a washing of the cards and stacked.

(e) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(f) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(e) do not apply.

#### § 633a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing up, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose box the cover card appeared during the last round of play.

(3) The player at the farthest position to the right of the dealer if the cover card appeared on the dealer's hand during the last round of play. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) The player at the farthest position to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson or above. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then take the entire stack of cards and align them along the side of the dealing shoe which has a mark that will allow the dealer to insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (c).

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 633a.7(e) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that

the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing shuffle of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(h) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

#### § 633a.6. Wagers.

(a) Wagers at Blackjack shall be made by placing value chips or plaques on the appropriate areas of the Blackjack layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 633a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(c) All wagers, except an Insurance Wager under § 633a.8 (relating to Insurance Wager), a Double Down Wager under § 633a.10 (relating to Double Down Wager) or a wager on split pairs under § 633a.11 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) To participate in a round of play and compete against the dealer's hand, a player shall place a Blackjack Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Blackjack Wager in accordance with subsection (d) the option of placing the following additional wagers:

(1) A Lucky Ladies Twenty Point Bonus Wager that the player's initial two cards will have a total value of 20.

(2) A Match-the-Dealer Wager that either of the player's initial two cards will match the rank of dealer's up card.

(3) An In Between Wager that the dealer's up card will either fall between or will be of the same rank as the player's initial two cards.

(4) A Royal Match 21 Wager that either of the player's initial two cards will be a Suited Match or a Royal Match.

(5) A Bet the Set 21 Wager that the player's initial two cards will be a pair or a suited pair.

(6) A King's Bounty Wager that the player's initial two cards will have a total value of 20.

(7) If offering Blackjack Switch in accordance with § 633a.12(a) (relating to Blackjack variations), a Super Match Wager that the player's first four cards will be a pair, a three-of-a-kind, two pair or a four-of-a-kind.

(f) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Blackjack Wager in one round of play.

#### § 633a.7. Procedure for dealing the cards; completion of each round of play.

(a) Except as provided in § 633a.12(b) (relating to Blackjack variations), all cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures under § 633a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand provided, however, that the dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If a double shoe is utilized, the following procedures shall be used in lieu of the procedures in subsection (c).

(1) Prior to commencement of each round of play, the dealer shall draw a determinate card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The certificate holder shall designate that the suits of hearts and diamonds correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs correspond to the color of the backs of the cards being dealt from the other side of the shoe.

(2) A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be placed in a segregated area of the dealing shoe.

(e) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then collect and reshuffle the cards as follows:

(1) When a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing.

(2) When a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cover card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing.

(3) Shuffle the cards so that they are randomly inter-mixed. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe from which the cover card was drawn.

(f) At the commencement of each round of play, or immediately after the determinant card has been drawn and either removed or used as the player's first card, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face up to each box on the layout in which a Blackjack Wager is contained.

(2) One card face up to the dealer.

(3) A second card face up to each box in which a wager is contained.

(4) A second card face down to the dealer.

(g) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the player's optional wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If a player placed a Lucky Ladies Twenty Point Bonus Wager and the player's initial two cards have a total value of 20, the dealer shall pay the winning Twenty Point Bonus Wager in accordance with § 633a.13(c) (relating to payout odds; payout limitation) provided, however, that if the first card to the dealer is a 10, jack, queen, king or ace and the player has two queens of hearts, that player's Twenty Point Bonus Wager shall be settled after all other Twenty Point Bonus Wagers as follows:

(i) If the dealer has determined that the hole card will not give the dealer a Blackjack, the player shall be paid before any other cards are dealt.

(ii) If the dealer has determined that the hole card will give the dealer a Blackjack, the player shall be paid when the player's Blackjack Wager is collected.

(2) If a player placed a Match-the-Dealer Wager and either of the player's initial two cards match the rank of the dealer's up card, the dealer shall pay the winning Match-the-Dealer Wager in accordance with § 633a.13(d). If both of the player's initial two cards match the rank of the dealer's up card, the player shall be paid for each matching card provided, however, that any card with a face value of 10 or a point value of 10 (a jack, queen or king) shall only match an identical card without regard to value.

(3) If a player placed an In Between Wager and the dealer's up card:

(i) Falls between the player's initial two cards, the player shall be paid according to the respective card

spread. A one card spread occurs when only one card falls between the player's initial two cards. For example, if a player is dealt a 7 and a 9, the player shall win with a one card spread if the dealer's up card is an 8. The dealer shall pay the winning In Between Wager in accordance with § 633a.13(e).

(ii) And the player's initial two cards are all the same rank, the player has a Triple Match. The dealer shall pay the winning In Between Wager in accordance with § 633a.13(e).

(4) If a player placed a Royal Match 21 Wager and the player's initial two cards are a Suited Match or a Royal Match, the dealer shall pay the winning Royal Match 21 Wager in accordance with § 633a.13(f) provided, however, that if the player has a Royal Match and the dealer's up card is a king or a queen, that player's Royal Match 21 Wager shall be settled after the dealer's hole card is exposed but prior to settling the player's Blackjack Wager. If after exposing the hole card, the dealer also has a Royal Match, the player shall be paid a Crown Treasure Bonus, if offered by the certificate holder, in addition to the payout for the player's Royal Match.

(5) If a player placed a Bet the Set 21 Wager and the player's initial two cards are a pair of the same rank or a suited pair of the same rank, the dealer shall pay the winning Bet the Set 21 Wager in accordance with § 633a.13(g).

(6) If a player placed a King's Bounty Wager and the player's initial two cards have a total value of 20, the dealer shall pay the winning King's Bounty Wager in accordance with § 633a.13(h) provided, however, that if the first card to the dealer is a 10, jack, queen, king or ace and the player has two kings of spades, that player's King's Bounty Wager shall be settled after all other King's Bounty Wagers as follows:

(i) If the dealer has determined that the hole card will not give the dealer a Blackjack, the player shall be paid before any other cards are dealt.

(ii) If the dealer has determined that the hole card will give the dealer a Blackjack, the player shall be paid when the player's Blackjack Wager is collected.

(7) If a player placed a Super Match Wager at a Blackjack Switch table and the player's initial four cards are a pair, a three-of-a-kind, two pair or a four-of-a-kind, the dealer shall pay the winning Super Match Wager in accordance with § 633a.13(i).

(h) After settling the player's optional wagers in accordance with subsection (g), if the dealer's first card is an ace, king, queen, jack or 10, the dealer shall, after offering the Insurance Wager in accordance with § 633a.8 (relating to Insurance Wager), determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Blackjack and Insurance Wagers, if applicable, shall be settled.

(i) After the procedures in subsection (h) have been completed, if necessary, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, announce the point total of each player. Each player at the table shall be responsible for correctly computing the point count of his hand and a player may not rely on the point counts announced by the dealer.



(j) If the player:

(1) Has Blackjack and the dealer's up card:

(i) Is a 2, 3, 4, 5, 6, 7, 8 or 9, the dealer shall announce and pay the Blackjack and remove the player's cards.

(ii) Is an ace, king, queen, jack or 10 but the dealer's hole card will not give the dealer a Blackjack, the dealer shall announce the player's Blackjack but may not make a payment nor remove any cards until all other cards are dealt to the players and the dealer reveals the hole card.

(2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 633a.9 (relating to surrender), double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw additional cards.

(k) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision and announce the new point total of the player after each additional card is dealt.

(l) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) A player electing to make a Double Down Wager may draw only one additional card.

(m) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up. Any additional cards required to be dealt to the hand of the dealer, in accordance with subsection (n), shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(n) Except as provided in subsection (o), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(o) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play.

(p) A player shall win and be paid in accordance with the payout odd in § 633a.13(a) if:

(1) The total value of the player's hand is 21 or less and the total value of the dealer's hand is in excess of 21.

(2) The total value of the player's hand exceeds the total value of the dealer's hand without exceeding 21.

(3) The player has a Blackjack and the dealer's hand has a total value of 21 in more than two cards.

(q) A Blackjack Wager shall tie and be returned to the player if the total value of the player's hand is the same as the dealer's provided, however, that a player's Blackjack Wager shall be lost if the dealer has a Blackjack and the player's hand has a total value of 21 in more than two cards.

(r) The dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) Collect all losing wagers and then pay off all winning wagers.

(2) Pay off all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(s) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(t) Except as provided in § 633a.12(b), players and spectators may not handle, remove or alter any cards used to play Blackjack.

#### § 633a.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen, jack or 10.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's initial Blackjack Wager. A player may wager an amount in excess of 1/2 of the initial Blackjack Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial Blackjack Wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 633a.13(b) (relating to payout odds; payout limitation).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

#### § 633a.9. Surrender.

(a) After the first two cards are dealt to the player and the player's point total is announced, the player may elect to discontinue play on his hand for that round by surrendering 1/2 his wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw. If the first card dealt to the dealer:

(1) Is not an ace or 10 value card, the dealer shall immediately collect 1/2 of the wager and return 1/2 to the player.

(2) Is an ace or 10 value card, the dealer will place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting 1/2 of the wager and returning 1/2 of the wager to the player if the dealer does not have Blackjack.

(b) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (a) and § 633a.8 (relating to Insurance Wager).

#### § 633a.10. Double Down Wager.

(a) Except when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not

exceed the amount of his original Blackjack Wager, on the first two cards dealt to him or the first two cards of any split pair. Only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the original Blackjack Wager of the player and may not collect the additional Double Down Wager.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up or face down and placed sideways on the layout.

#### § 633a.11. Splitting pairs.

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand formed in an amount equal to his original Blackjack Wager. For example, if a player has two 7s or a king and a 10, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the dealer shall announce the point total of the hand and the player shall indicate his decision to stand, draw or double down with respect to that hand. A certificate holder shall specify in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions) the number of additional times a patron may split pairs, including aces.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only the amount of the original wager of the player and may not collect the additional amount wagered in splitting pairs.

#### § 633a.12. Blackjack variations.

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer Blackjack Switch in accordance with the following requirements:

(1) A player shall make two equal Blackjack Wagers by placing value chips on the two designated betting areas prior to the first card being dealt.

(2) In addition to the two equal Blackjack Wagers, a player may make an additional Super Match Wager in accordance with § 633a.6(e)(7) (relating to wagers).

(3) Two hands shall then be dealt to each player in accordance with the dealing procedures in § 633a.7 (relating to procedure for dealing the cards; completion of each round of play).

(4) As each player's point total is announced, the player shall indicate whether he wishes to switch the second card of each hand dealt. A player may also double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw additional cards.

(5) The round of play shall then be completed in accordance with the dealing procedures in § 633a.7 provided, however, that if the dealer's hand:

(i) Has a total value of 21 in more than two cards and the player has Blackjack, the winning Blackjack Wager shall be paid at odds of 1 to 1.

(ii) Is a Blackjack and the player's hand is a Blackjack, the Blackjack Wager shall tie and be returned to the player.

(iii) Is a Blackjack and the player has switched to a Blackjack, the player's hand shall have a total value of 21 and that Blackjack Wager shall be lost.

(iv) Has a total value of 21 or 22 and the player has switched to a Blackjack, the player's Blackjack Wager shall be returned to the player.

(v) Has a total value of 22 and a player's hand has a total value of 21 or less, the player's Blackjack Wager shall be returned to the player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2, deal Blackjack from the hand and allow the players to touch the cards in accordance with the following requirements:

(1) No more than two decks of cards shall be used in the game.

(2) An automated shuffling device shall be used to shuffle the cards.

(3) After the procedures required under § 633a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the deck or decks of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(4) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(5) Prior to commencement of each round of play, the dealer shall remove the first card and place it in the discard rack. The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, deal the cards as follows:

(i) One card face down to each box on the layout in which a Blackjack Wager is contained.

(ii) One card face up to the dealer.

(iii) A second card face down to each box in which a wager is contained.

(iv) A second card face down to the dealer.

(6) After two cards have been dealt face down to each player and the dealer, each player shall, with one hand, examine his cards. All players shall keep their cards in full view of the dealer at all times. Each player, starting with the player farthest to the dealer's left and continuing around the table in a clockwise direction, shall then indicate whether he wishes to surrender as permitted under § 633a.9 (relating to surrender), double down as permitted under § 633a.10, split pairs as permitted under § 633a.11, stand or draw additional cards. If a player:

(i) Indicates that he wishes to surrender, double down or split a pair, the dealer shall turn over the player's two cards and complete the dealing procedures in accordance with § 633a.7.

(ii) Is dealt additional cards which cause the point total to exceed 21, the player shall immediately discard his first to cards face down.

(7) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(8) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn over the hole card and draw any additional cards in accordance with § 633a.7(n). The dealer shall announce the dealer's total point count after each additional card is dealt.

(9) After all additional cards have been dealt, the dealer shall turn over each player's two cards and shall settle all remaining wagers in accordance with § 633a.7.

**§ 633a.13. Payout odds; payout limitation.**

(a) The certificate holder shall pay each winning Blackjack Wager at odds of 1 to 1 with the exception of Blackjack which shall be paid at odds of 3 to 2.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

(c) The certificate holder shall pay out winning Lucky Ladies Twenty Point Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Queen of Hearts pair and dealer Blackjack	1,000 to 1
Queen of Hearts pair Matched 20	200 to 1 25 to 1
Suited 20	10 to 1
Any 20	4 to 1

(d) The certificate holder shall pay out winning Match-the-Dealer Wagers at the odds in the following payable:

(1) If six decks of cards are being used:

<i>Hand</i>	<i>Payout</i>
Each matching card of a different suit	4 to 1
Each matching card of the same suit	11 to 1

(2) If eight decks of cards are being used:

<i>Hand</i>	<i>Payout</i>
Each matching card of a different suit	3 to 1
Each matching card of the same suit	14 to 1

(e) The certificate holder shall pay out winning In Between Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Triple Match	30 to 1
One card spread	10 to 1
Two card spread	6 to 1
Three card spread	4 to 1
All others	1 to 1

(f) The certificate holder shall pay out winning Royal Match 21 Wagers and the Crown Treasure Bonus at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal Match	10 to 1	5 to 1
Suited Match	3 to 1	3 to 1
Crown Treasure	1,000 for 1	1,000 for 1

(2) If multiple decks of cards are being used:

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>	<i>Paytable E</i>
Royal Match	30 to 1	25 to 1	50 to 1
Suited Match	2.5 to 1	2.5 to 1	2 to 1
Crown Treasure	1,000 for 1	1,000 for 1	1,000 for 1

(g) The certificate holder shall pay out winning Bet the Set 21 Wagers at the odds in one of the following pay tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

(1) If a single deck is being used:

<i>Hand</i>	<i>Paytable A</i>
Pairs	15 to 1

(2) If two decks are being used:

<i>Hand</i>	<i>Paytable B</i>
Pairs	10 to 1
Suited Pairs	25 to 1

(3) If four or more decks are being used:

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Pairs	10 to 1	10 to 1
Suited Pairs	15 to 1	12 to 1

(h) The certificate holder shall pay out winning King's Bounty Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
King of Spades pair and dealer Blackjack	1,000 to 1
King of Spades pair	200 to 1
Suited Kings pair	50 to 1
Suited Queens, Jacks or 10s pair	25 to 1
Suited 20	9 to 1
Pair of kings	6 to 1
Any 20	4 to 1

(i) The certificate holder shall pay out winning Super Match Wagers at the odds in the following payable:

(1) If six decks are being used:

<i>Hand</i>	<i>Payout</i>
Four-of-a-kind	40 to 1
Two pair	8 to 1
Three-of-a-kind	5 to 1
Pair	1 to 1

(2) If eight decks are being used:

<i>Hand</i>	<i>Payout</i>
Four-of-a-kind	50 to 1
Two pair	7 to 1
Three-of-a-kind	5 to 1
Pair	1 to 1

(j) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share



the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

**§ 633a.14. Irregularities.**

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack or in a segregated area of the double shoe shall be shuffled and cut according to the procedures in § 633a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(g) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(h) Any round of play drawn from the incorrect side of a double shoe shall be treated as if it were drawn from the correct side of the shoe and concluded.

(i) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's original Blackjack Wager.

(j) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen, jack or 10, the dealer, after notification to a floorperson or higher, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) If a card reader device malfunctions, the dealer may not continue dealing the game of Blackjack at that table until the card reader device is repaired or replaced.

(l) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(m) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

**CHAPTER 645a. PAI GOW POKER**

Sec.

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**§ 645a.1. Definitions.**

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

*Bank*—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Poker Wagers.

*Co-banking*—When the bank and the certificate holder each cover 50% of all winning Pai Gow Poker Wagers.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A player's Pai Gow Poker hand with a rank of a four-of-a-kind or better formed from the seven cards dealt to a player.

*High hand*—The five-card hand that is formed from the seven cards dealt so as to rank equal to or higher than the two-card low hand.

*Low hand*—The two-card hand that is formed from the seven cards dealt so as to rank equal to or lower than the five-card high hand.

*Qualifying Wager*—An Emperor's Treasure Wager or a Fortune Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

*Setting the hands*—The process of forming a high hand and low hand from the seven cards dealt.

**§ 645a.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.**

(a) Pai Gow Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Pai Gow Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

- (1) The name or logo of the certificate holder.
  - (2) A separate betting area designated for the placement of the Pai Gow Poker Wager for each player.
  - (3) Two separate areas designated for the placement of the high and low hands of each player.
  - (4) Two separate areas designated for the placement of the high and low hands of the dealer.
  - (5) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 645a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Fortune Bonus Wager for each player.
  - (6) If the certificate holder offers the optional Emperor's Treasure Wager authorized under § 645a.7(e)(2), a separate area designated for the placement of the Emperor's Treasure Wager for each player.
  - (7) If the certificate holder offers the optional Pai Gow Insurance Wager authorized under § 645a.7(e)(3), a separate area designated for the placement of the Pai Gow Insurance Wager for each player.
  - (8) If the certificate holder offers the optional Progressive Payout Wager authorized under § 645a.7(e)(4), a separate area designated for the placement of the Progressive Payout Wager for each player.
  - (9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Pai Gow Poker table.
  - (10) An inscription indicating the payout limit per hand established by the certificate holder under § 645a.13(f) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Pai Gow Poker table.
- (c) To determine the starting position for the dealing or delivery of the cards, Pai Gow Poker may be played with:
- (1) A Pai Gow Poker shaker, approved by the Bureau of Gaming Operations, which shall be designed and constructed to maintain the integrity of the game. The Pai Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:
    - (i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.
    - (ii) Be designed to prevent the dice from being seen while being shaken.
    - (iii) Have the name or logo of the certificate holder imprinted or impressed thereon.
  - (2) A computerized random number generator which shall be approved by the Bureau of Gaming Laboratory Operations prior to its use.
  - (3) A flat button which shall be approved by the Bureau of Gaming Operations prior to its use.
  - (d) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 645a.7(e)(4), the Pai Gow Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progres-

sive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(e) Each Pai Gow Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, and in locations approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### § 645a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Pai Gow Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Pai Gow Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Pai Gow Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Pai Gow Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

#### § 645a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. After the cards are inspected, the cards shall be spread out face up on the

table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence and shall include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 645a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (i), then deal the cards in accordance with § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. The dealer shall offer the stack of cards to be cut, with the backs facing up, to the player determined under subsection (d). If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player who accepts the bank under § 645a.12 (relating to player bank; co-banking; selection of bank; procedures for dealing), if offered by the certificate holder, provided, however, that if the bank refuses the cut, the

cards shall be offered to the player to the right of the bank, and continuing around the table in a counterclockwise manner, until a player accepts the cut.

(3) The player at the farthest position to the right of the dealer, if there is no bank. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(e) The player or dealer making the cut shall place the second cover card in the stack at least ten cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then determine the starting position in accordance with subsection (i) and deal the cards in accordance with § 645a.8, § 645a.9 or § 645a.10.

(f) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (d).

(g) If there is no gaming activity at a Pai Gow Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(h) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

(i) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) A Pai Gow Poker shaker in accordance with the following procedures:



(i) The dealer shall shake the Pai Gow Poker shaker at least three times to cause a random mixture of the dice. If a player is the bank, in accordance with § 645a.12, the player shall shake the Pai Gow Poker shaker instead of the dealer. The dealer shall ensure that the bank shakes the Pai Gow Poker shaker at least three times.

(ii) The dealer shall then remove the lid covering the Pai Gow Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total. If a player is the bank and the player inadvertently removes the lid, the Pai Gow Poker shaker shall be covered and reshaken.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice. If a player is the bank, when counting the betting positions to determine the starting position for dealing the cards, the bank, instead of the dealer, shall be considered number one.

(iv) After the dealing procedures required under § 645a.8, § 645a.9 or § 645a.10 have been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner until the count matches the number displayed by the random number generator. If a player is the bank in accordance with § 645a.12, when counting the betting positions to determine the starting position for dealing the cards, the bank, instead of the dealer, shall be considered number one.

(3) If an automated card shuffling device and dealing shoe are used under § 645a.10, a flat button to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play.

(j) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved by the Bureau of Gaming Operations.

#### § 645a.6. Pai Gow Poker rankings.

(a) The rank of the cards used in Pai Gow Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3). The joker shall be used and ranked as an ace or may be used as any card to complete a straight, a flush, a straight flush or a royal flush.

(b) The permissible poker hands at the game of Pai Gow Poker, in order of highest to lowest rank, shall be:

(1) Five aces, which is a high hand consisting of four aces and a joker.

(2) A royal flush, which is a high hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(3) A straight flush, which is a high hand consisting of five cards of the same suit in consecutive ranking, with ace, 2, 3, 4 and 5 being the highest ranking straight flush; king, queen, jack, 10 and 9 being the second highest ranking straight flush; and 2, 3, 4, 5 and 6 being the lowest ranking straight flush.

(4) A four-of-a-kind, which is a high hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(5) A full house, which is a high hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(6) A flush, which is a high hand consisting of five cards of the same suit. When comparing two flushes, the hand which contains the highest ranking card, as provided in subsection (a) which is not in the other hand, shall be considered the higher ranking hand.

(7) A straight, which is a high hand consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight; an ace, 2, 3, 4 and 5 being the second highest ranking straight; and a 2, 3, 4, 5 and 6 being the lowest ranking straight.

(8) A three-of-a-kind, which is a high hand containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(9) Two pair, which is a high hand containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two pair hand.

(10) A pair, which is either a high hand or a low hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the hands shall be considered a tie.

(d) If the certificate holder offers the optional Fortune Bonus Wager under § 645a.7(e)(1) (relating to wagers), the following seven-card hands shall have a rank higher than a hand of five aces, as described in subsection (b)(1), and be used to determine the amount of the Fortune Bonus Wager payout or Envy Bonus payment to a winning player:

(1) A seven-card straight flush with no joker, which is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) A royal flush plus Royal Match, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, with one of the following:

(i) An additional ace and king of a same suit.

(ii) An additional king and queen of a same suit.

(3) A seven-card straight flush with joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(e) If the certificate holder offers the optional Emperor's Treasure Wager under § 645a.7(e)(2), the following seven-card hands shall have a rank higher than a hand of five aces, as described in subsection (b)(1), and be used to determine the amount of the Emperor's Treasure Wager payout or Envy Bonus payout to a winning player:

(1) A seven-card straight flush with no joker, which is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) A royal flush plus ace and king suited, which is a seven-card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, and an additional ace and king of the same suit without a joker.

(3) A seven-card straight flush with joker, which is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(f) If a certificate holder offers the optional Progressive Payout Wager under § 645a.7(e)(4), the following seven-card hands shall be used to determine the amount of the progressive payout to a winning player:

(1) Seven-card straight flush is a hand consisting of seven cards of the same suit in consecutive ranking, with or without a joker.

(2) Five aces, which is a hand consisting of four aces and a joker.

(3) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(4) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(5) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(6) A full house, which is a hand consisting of a three-of-a-kind and a pair.

#### § 645a.7. Wagers.

(a) Wagers at Pai Gow Poker shall be made by placing value chips or plaques on the appropriate areas of the Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Pai Gow Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Pai Gow Poker Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow

Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Fortune Bonus Wager that the seven cards dealt to the player will form a seven-card poker hand with a rank of a straight or better as described in § 645a.6(d) (relating to Pai Gow Poker rankings).

(2) An Emperor's Treasure Wager that the seven cards dealt to the player will form a seven-card poker hand with a rank of a straight or better as described in § 645a.6(e).

(3) A Pai Gow Insurance Wager that the seven cards dealt to the player will form a seven-card poker hand that does not contain a pair or better, as described in § 645a.6(b), but will contain a card ranked a nine-high or better.

(4) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card poker hand with a rank of a full house or better as described in § 645a.6(f).

(f) Except as provided in 645a.12(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

#### § 645a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(1) If the Fortune Bonus Wager or Emperor's Treasure Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) The dealer shall determine the starting position for dealing the cards, using one of the procedures authorized under § 645a.5(i).

(d) The dealer shall then deal the first card to the starting position as determined in subsection (c) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(e) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(f) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 645a.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager or Emperor's Treasure Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall then

determine the starting position for dealing the cards using one of the procedures authorized under § 645a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 645a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Fortune Bonus Wager or Emperor's Treasure Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player's wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 645a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(d) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine



whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 645a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(2) Each player shall keep his seven cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the two-card low hand. For example, if the two-card hand contains a pair of sevens, the five-card hand must contain at least a pair of sevens and the three remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the two hands face up on the appropriate area of the layout. If a player is acting as the bank in accordance with § 645a.12 (relating to player bank; co-banking; selection of bank; procedures for dealing), after all players have set their hands and placed the cards on the table, the bank shall turn over his seven cards and set the two hands by arranging the cards in a high and low hand on the appropriate area of the layout.

(d) Unless a player has placed an optional wager authorized under § 645a.7(e)(1)–(4) (relating to wagers), a player may surrender his wager after the hands of the dealer or the bank have been set. The player shall announce his intention to surrender prior to the dealer

exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table provided, however, that if any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the dealer and shall announce if the Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or the low hand of the player is identical in rank to the low hand of the dealer and the other hand of the player is identical in rank or lower in rank than the other hand of the dealer.

(iii) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Pai Gow Poker Wager in accordance with the payout odds in § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(g) Except as provided in subsection (h), after settling the player's Pai Gow Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) After settling the player's Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 645a.7(e)(1)–(4), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus Wager or an Emperor's Treasure Wager. After rearranging the player's seven cards, the dealer shall:

(1) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Does not have a straight or higher, as described in § 645a.6(d) (relating to Pai Gow Poker rankings), the dealer shall collect the Fortune Bonus Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 645a.13(b) and shall place the cards of the player in the discard rack provided, however, that if the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(b) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(2) Settle the player's Emperor's Treasure Wager as follows:

(i) If a player:

(A) Does not have a straight or higher as described in § 645a.6(e), the dealer shall collect the Emperor's Treasure Wager and place the cards of the player in the discard rack.

(B) Has a straight or higher, the dealer shall pay the winning Emperor's Treasure Wager in accordance with § 645a.13(c) and shall place the cards of the player in the discard rack provided, however, that if the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place an Emperor's Treasure Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and shall leave the cards of the player face up on the table.

(ii) After all Emperor's Treasure Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(c) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses have been paid, the dealer shall collect all remaining cards and place them in the discard rack.

(3) Settle the player's Pai Gow Insurance Wager. If a player:

(i) Has a pair or better as described in § 645a.6(b), the dealer shall collect the Pai Gow Insurance Wager and place the cards of the player in the discard rack.

(ii) Does not have a pair or better, but has a card ranked a nine-high or better, the dealer shall pay the winning Pai Gow Insurance Wager in accordance with § 645a.13(d). The dealer shall then place the cards of the player in the discard rack.

(4) Settle the player's Progressive Payout Wager. If a player:

(i) Does not have a full house or better, as described in § 645a.6(f), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.

(ii) Has a full house or better, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 645a.13(e). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 645a.12. Player bank; co-banking; selection of bank; procedures for dealing.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to all players at a Pai Gow Poker table the opportunity to bank the game. If the certificate holder elects this option, the provisions of this section control for any round of play in which a player is the bank. All other provisions of this chapter apply to the extent that they do not conflict with the provisions in this section.

(b) A player may not be the bank at the start of the game. For the purposes of this section, the start of the game means the first round of play after the dealer is required to shuffle the cards in accordance with § 645a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(c) After the first round of play, each player at the table shall have the option to either be the bank or pass the bank to the next player. The dealer shall offer the

bank to each player, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, until a player accepts the bank. The dealer shall place a marker designating the bank in front of the player who accepts the bank. If the first player offered the bank accepts, the player seated to the right of the bank shall be offered the bank first on the next round of play. A player may not bank two consecutive rounds of play. If no player accepts the bank, the round of play shall proceed in accordance with the rules of play provided in this chapter.

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a Pai Gow Poker Wager against the dealer during the last round of play in which there was no player banking the game.

(2) The player has sufficient value chips or plaques on the table to cover all of the Pai Gow Poker Wagers placed by other players at the table for that round of play.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer the bank the option of co-banking the round of play. If the certificate holder offers this option, it shall be made available to all players at the table. If the bank wishes to use this option and co-bank 50% of the winning Pai Gow Poker Wagers, the bank must specifically request to co-bank with the dealer. The dealer shall place a marker designating the player co-banking that round of play. When the dealer is co-banking, the dealer shall be responsible for setting the hand of the bank in the manner as specified in the certificate holder's Rules Submission under § 601a.2. When co-banking is in effect, the dealer may not place a wager against the bank.

(f) If a player is the bank, the player may wager on only one betting area.

(g) Once the dealer has determined that a player may be the bank, as required under subsection (d), the dealer shall shuffle the cards in accordance with § 645a.5. The dealer shall then, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker's last Pai Gow Poker Wager made against the dealer or in an amount as specified in the certificate holder's Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container.

(h) The dealer shall then deal the cards in accordance with § 645a.8, § 645a.9 or § 645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(i) If the dealer placed a wager against the bank, after each player has set his two hands and placed them on the table layout, the two hands of the dealer shall then be set. Once the dealer has formed a high and low hand and placed the hands face up on the appropriate area of the table layout, the dealer shall expose the hands of the bank and determine if the hands of the dealer are higher in rank than the hands of the bank. If the bank did not set his hands correctly, the dealer shall reset the bank's hands in accordance with the certificate holder's Rules Submission under § 601a.2. If the dealer wins, the cards of the dealer shall be stacked face up to the right of the

table inventory container with the amount wagered by the dealer against the bank placed on top. If the dealer ties, the dealer shall return the amount wagered by the dealer against the bank to the table inventory container. If the dealer loses, the amount wagered by the dealer against the bank shall be moved to the center of the layout.

(j) If a player is banking the round of play, once the dealer has determined the outcome of the Pai Gow Poker Wager of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of the player to the high and low hand of the bank and shall announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Poker Wagers, including the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Poker Wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning wagers and place that amount in the center of the layout. The remaining winning wagers shall be paid from the amount in the center of the layout. If, after collecting all losing wagers and paying all winning Pai Gow Poker Wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(k) Immediately after a winning Pai Gow Poker Wager of the dealer is paid, this amount and the dealer's original wager shall be returned to the table inventory container.

(l) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank's hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of the player to the high and low hand of the bank and shall announce if the wager shall win, lose or tie. Losing wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Poker Wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Poker Wagers have been paid, the dealer shall collect from the bank an amount equal to 1/2 of the remaining winning wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning wagers from the table inventory container and place that amount in the center of the layout. The remaining winning wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing wagers and paying all winning Pai Gow Poker Wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with § 645a.13(a), on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the bank.



(m) Each player who has a winning Pai Gow Poker Wager against the bank shall pay to the dealer, in accordance with § 645a.13(a), a 5% vigorish on the amount won.

(n) If the certificate holder offers an optional wager authorized under § 645a.7(e)(1)–(4) (relating to wagers), the optional wager shall be resolved in accordance with § 645a.11(g)–(j) (relating to procedures for completion of each round of play) and the dealer, not the bank, shall pay all winning optional wagers.

**§ 645a.13. Payout odds; Envy Bonus; rate of progression; payout limitation.**

(a) A certificate holder shall pay each winning Pai Gow Poker wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won provided, however, that when collecting the vigorish, the certificate holder may round off the vigorish to 25 cents or the next highest multiple of 25 cents. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(b) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Envy Bonus</i>
7 card Straight Flush	8,000 to 1	\$5,000
Royal Flush and Royal Match	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	
<i>Hand</i>	<i>Paytable B</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$3,000
Royal Flush and Royal Match	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	
<i>Hand</i>	<i>Paytable C</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$2,500
Royal Flush and Royal Match	2,000 to 1	\$500
7 card Straight Flush with Joker	1,000 to 1	\$250
5 Aces	400 to 1	\$150
Royal Flush	150 to 1	\$55
Straight Flush	50 to 1	\$25
Four-of-a-kind	25 to 1	\$6

<i>Hand</i>	<i>Paytable C</i>	<i>Envy Bonus</i>
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable D</i>	<i>Envy Bonus</i>
7 card Straight Flush	2,500 to 1	\$1,000
Royal Flush and Royal Match	1,000 to 1	\$750
7 card Straight Flush with Joker	750 to 1	\$250
5 Aces	250 to 1	\$100
Royal Flush	125 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(c) The certificate holder shall pay out winning Emperor's Treasure Wagers and Envy Bonus payouts at the odds and amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Envy Bonus</i>
7 card Straight Flush	8,000 to 1	\$5,000
Royal Flush and Ace King suited	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable B</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$3,000
Royal Flush and Ace King suited	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

<i>Hand</i>	<i>Paytable C</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$2,500
Royal Flush and Ace King suited	2,000 to 1	\$500
7 card Straight Flush with Joker	1,000 to 1	\$250
5 Aces	400 to 1	\$150
Royal Flush	150 to 1	\$55
Straight Flush	50 to 1	\$25
Four-of-a-kind	25 to 1	\$6
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	

<i>Hand</i>	<i>Paytable C</i>	<i>Envy Bonus</i>
Straight	2 to 1	
<i>Hand</i>	<i>Paytable D</i>	<i>Envy Bonus</i>
7 card Straight Flush	2,500 to 1	\$1,000
Royal Flush and Ace King suited	1,000 to 1	\$750
7 card Straight Flush with Joker	750 to 1	\$250
5 Aces	250 to 1	\$100
Royal Flush	125 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(d) The certificate holder shall pay out winning Pai Gow Insurance Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Nine-High	100 to 1	100 to 1
Ten-High	25 to 1	25 to 1
Jack-High	15 to 1	15 to 1
Queen-High	6 to 1	7 to 1
King-High	5 to 1	5 to 1
Ace-High	3 to 1	3 to 1

(e) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
7 card Straight Flush	100%
5 Aces	10%
Royal Flush	500 for 1
Straight Flush	100 for 1
Four-of-a-kind	75 for 1
Full House	4 for 1

(2) The initial and resent amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least \$2,000.

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 645a.11(h)(4) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

(f) Notwithstanding the payout odds in subsections (b)–(e), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder may not apply to Envy Bonus payouts.

#### § 645a.14. Irregularities; invalid roll of dice.

(a) If the dealer uncovers the Pai Gow Poker shaker and all three dice do not land flat on the bottom of the

shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Pai Gow Poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) If a card or cards in the dealer's hand or the bank's hand, if applicable, are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(g) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(i) If the dealer or the bank, if applicable, does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder's Rules Submission and the round of play shall be completed.

(j) If a card is exposed while the dealer is dealing the seven stacks in accordance with § 645a.9 (relating to procedures for dealing the cards from the hand), all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(l) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(m) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(n) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 11-1373. Filed for public inspection August 12, 2011, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective July 28, 2011.

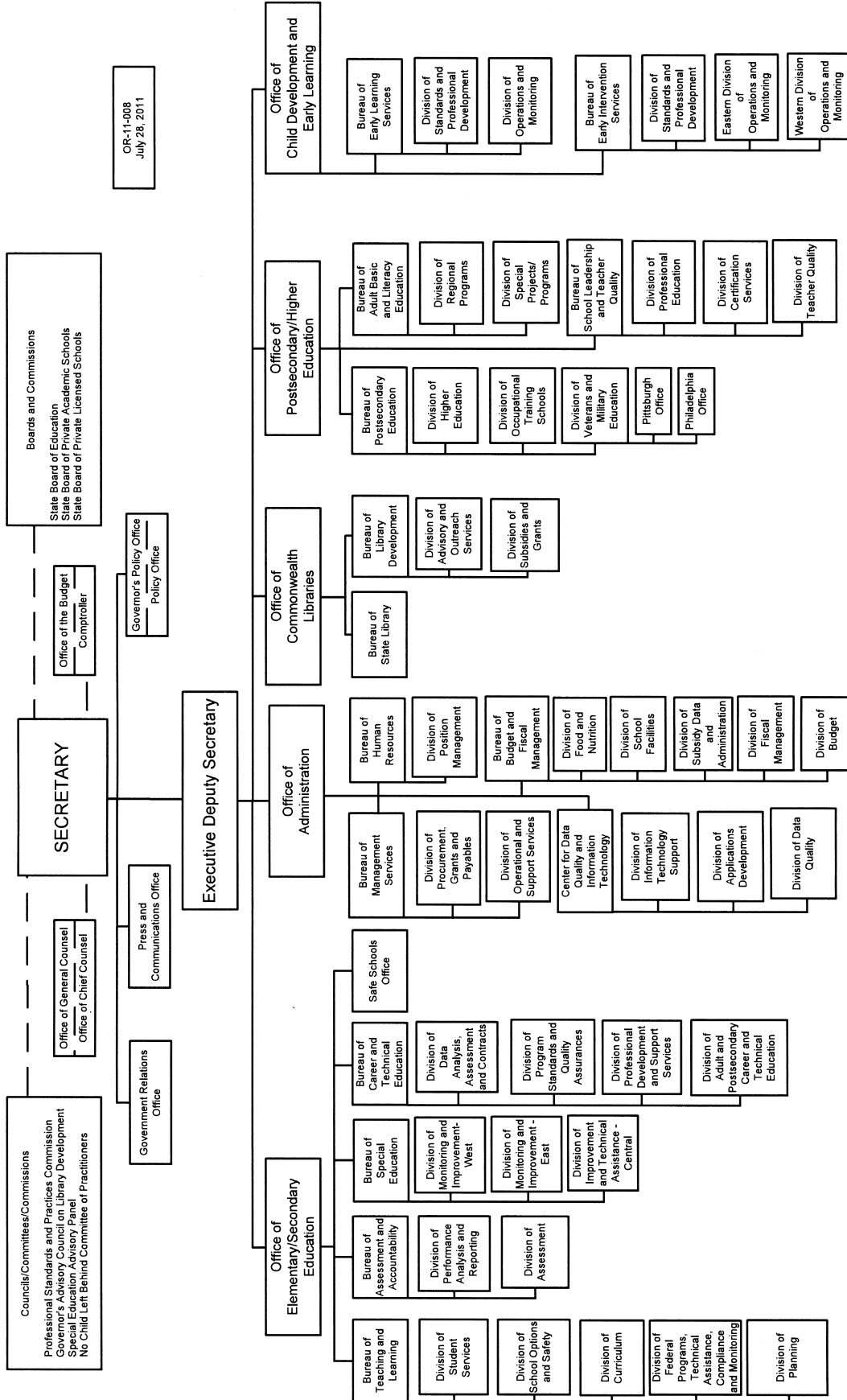
The organization chart at 41 Pa.B. 4442 (August 13, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 11-1374. Filed for public inspection August 12, 2011, 9:00 a.m.]

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DEPARTMENT OF EDUCATION



OP-11-008  
July 28, 2011

# 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 26, 2011.

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

#### BANKING INSTITUTIONS

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-7-2011	Ambler Savings Bank Ambler Montgomery County	3009 Germantown Pike Fairview Village Montgomery County	Opened

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-21-2011	Milestone Bank Doylestown Bucks County  Amendment to Article VI of the institution's Articles of Incorporation provides for the issuance of preferred stock.	Filed

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-20-2011	Belco Community Credit Union Harrisburg Dauphin County  Amendment to the institution's Articles of Incorporation provides for a statement that the credit union operates without profit within the definition of a credit union as defined by the NCUA, the Federal Credit Union Act and the provisions of the Credit Union Code of the Commonwealth of PA.	Filed

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1375. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 2, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-02-2011	Susquehanna Bancshares, Inc. Lititz Lancaster County	Approved
	Application for approval to acquire 100% of Abington Bancorp, Inc., Jenkintown, and thereby indirectly acquire 100% of Abington Savings Bank, Jenkintown.	

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-02-2011	Susquehanna Bank Lititz Lancaster County	Approved
	Application for approval to merge Abington Savings Bank, Jenkintown, with and into Susquehanna Bank, Lititz.	

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-27-2011	Somerset Trust Company Somerset Somerset County	3720 State Route 711 Ligonier Westmoreland County	Filed
7-27-2011	Ambler Savings Bank Ambler Montgomery County	1120 Meetinghouse Road Gwynedd Montgomery County (Limited Service Facility)	Filed
7-27-2011	Ambler Savings Bank Ambler Montgomery County	9000 Twin Silo Drive Blue Bell Montgomery County (Limited Service Facility)	Filed
7-27-2011	Ambler Savings Bank Ambler Montgomery County	3205 Skippack Pike Worcester Montgomery County (Limited Service Facility)	Filed
7-27-2011	Harleysville Savings Bank Harleysville Montgomery County	800 Maple Avenue Harleysville Montgomery County (Limited Service Facility)	Filed
7-28-2011	PeoplesBank, A Codorus Valley Company Glen Rock York County	535 Old Westminster Pike Suite 101 West Minster, MD	Approved
7-28-2011	Jonestown Bank & Trust Co. Jonestown Lebanon County	1001 Sharp Avenue Ephrata Lancaster County	Approved
7-28-2011	Jersey Shore State Bank Jersey Shore Lycoming County	606 Continental Boulevard Danville Montour County	Approved



<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-28-2011	Peoples State Bank of Wyalusing Wyalusing Bradford County	Towne Plaza Shopping Center Tunkhannock Wyoming County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-3-2011	Northwest Savings Bank Warren Warren County	<i>To:</i> 2502 East 3rd Street Williamsport Lycoming County  <i>From:</i> 815 Westminster Drive Williamsport Lycoming County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-29-2011	S&T Bank Indiana Indiana County	420 Pleasantview Drive Ford City Armstrong County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-21-2011	Marion Center Bank Marion Center Indiana County	Filed

Amend and Restate the Bank's Articles of Incorporation and thereby change the principal place of business from Main Street, Marion Center, Indiana County, Pennsylvania to 1271 Indian Springs Road, Indiana County, Indiana, Pennsylvania.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-01-2011	Freedom Credit Union Warminster Bucks County		Effective
	Application for approval to merge Salem Federal Credit Union, Jenkintown, with and into Freedom Credit Union, Warminster.		
8-2-2011	Bradford Postal Credit Union Bradford McKean County		Approved
	Application for approval to merge Bradford Postal Credit Union, Bradford, with and into Bradford Area Federal Credit Union, Bradford.		

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1376. Filed for public inspection August 12, 2011, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan; Revised 2009 Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its revised Consolidated

Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during 2009 in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2008-2013. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary

linkages for building successful neighborhoods and communities.

The Commonwealth allocated funds under several programs, namely Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant Program, and Housing Opportunities for People with AIDS Program. Additionally, this CAPER will detail funding from 2009 under both the Housing and Economic Recovery Act and the American Recovery and Reinvestment Act. The CAPER discusses accomplishments in relation to goals and objectives identified in the Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan; discusses how the Commonwealth is affirmatively furthering fair and affordable housing; reviews the activities of the Continuums of Care; and appraises how well resources in community development and housing are being leveraged.

#### *Public Comments*

Any individual or organization may provide written comments regarding this draft version of the CAPER. This report will be available at <http://www.newpa.com/strengthen-your-community/technical-assistance> or by calling (717) 720-7412. Comments will be accepted about funding activities, community development, housing, CAPER content, and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Written Comments will be accepted until 5 p.m. on August 29, 2011, and should be sent to Dan Fox, Department of Community and Economic Development, Center for Community Financing, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 11-1377. Filed for public inspection August 12, 2011, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Proposed Exchange of Land

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Wiggle Inn Hunting and Fishing Club, Inc. are proposing to negotiate an exchange of property interests in Porter Township, Pike County.

The Commonwealth will convey approximately 6 acres in Porter Township to Wiggle Inn Hunting and Fishing Club, Inc. In return, Wiggle Inn Hunting and Fishing Club, Inc. will convey to the Commonwealth approximately 12 acres in Porter Township. When complete, this exchange will add approximately 6 acres to the Delaware State Forest.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry or comment will be in effect beginning August 20, 2011, and ending September 19, 2011. Oral or written comments or questions concerning this proposed exchange may be addressed to Dan Devlin, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-4837. These oral and written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 11-1378. Filed for public inspection August 12, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113123 (Sewage)	Patrick J. Witkowski P. O. Box 322 LaPorte, PA 18626	Sullivan County LaPorte Township	Unnamed Tributary to Mill Creek (10-B)	Y
PA0043583 (Sewage)	Hartley Township Municipal Authority Wastewater Treatment Plant 588 Pick Road Laurelton, PA 17835	Union County Hartley Township	Laurel Run (6-A)	Y
PA0113069 (Sewage)	Greenwood Township Municipal Authority WWTP 90 Shed Road Millville, PA 17846-9148	Columbia County Greenwood Township	Rickard Hollow (5-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0102792 (Sewage)	Bernies MHP 347 Edgewood Drive Cabot, PA 16023-9704	Butler County Winfield Township	Little Buffalo Creek (18-F)	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*

**PA0244180**, SIC Code 4952, **Dirk & Jennifer Quan Holden**, 2559 Wayland Road, Berwyn, PA 19312. Facility Name: Holden SRSTP. This existing facility is located in Easttown Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Crum Creek, is located in State Water Plan watershed 3-G and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 3.0	XXX	6.0

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

1. AMR to DEP
2. Abandon STP When Municipal Sewers Available
3. Remedial Measures
4. No Stormwater
5. Property Rights
6. Small Stream Discharge
7. Change of Ownership
8. Proper Sludge Disposal
9. Laboratory Certification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0034487**, Storm Water, SIC Code 5171, **Meenan Oil Co.**, 113 Main Street, Tullytown, PA 19007. Facility Name: Meenan Oil Company IWTP. This existing facility is located in Tullytown Borough, **Bucks County**.

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

The receiving stream(s), Unnamed Stream and Unnamed Tributary to Delaware River, is located in State Water Plan watershed 2E and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 002 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30

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

- Remedial Measures
- BAT/ELG Reopener
- Change of Ownership



- Product Contaminated Stormwater Runoff
- PPC Plan
- Other Wastewater Discharge
- Definitions
- TMDL/WLA Analysis
- Imax. Reporting
- Lab Certification
- Hydrostatic Test Water Discharge 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.

**PA0244163**, SIC Code 2754, **QG, LLC**, 4581 Lower Valley Road, Atglen, PA 19310. Facility Name: Quad/Graphics Atglen. This existing facility is located in West Sadsbury Township, **Chester 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), Unnamed Tributary to Officers Run and Valley Creek, is located in State Water Plan watershed 7-K 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, 002 and 003 are based on storm water event are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
Ethylbenzene	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Total Xylenes	XXX	XXX	XXX	XXX	Report	XXX

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

- eDMR Requirements
- Storm water Discharge Requirements
- Applicable BAT/BCT Standard
- Watershed 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.

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

**PA0026361-A1**, Sewage, SIC Code 4952, **Lower Lackawanna Valley Sanitary Authority**, PO Box 2067, Coxton Road, Duryea, PA 18642-2067. Facility Name: Lower Lackawanna Valley Sanitary Authority. This existing facility is located in Duryea Borough, **Luzerne County**.

Description of Activity: The application is for an amendment to an NPDES permit for an existing discharge of treated sewage to the Lackawanna River in State Water Plan watershed 5-A.

The proposed amendment is solely for the purpose of revising the construction activity dates contained in the compliance schedule in Part C of the permit. The date for achieving final compliance with the Chesapeake Bay nutrient cap loads remains unchanged.

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

The EPA Waiver is not in effect.

**PA0052167**, Sewage, SIC Code 4952, **Wind Gap Municipal Authority**, 578 Abel Colony Road, Wind Gap, PA 18091-9506. Facility Name: Wind Gap Municipal Sewer Authority STP. This existing facility is located in Plainfield Township, **Northampton 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 #4638 to Little Bushkill Creek, is located in State Water Plan watershed 1-F and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	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	0.15	XXX	0.34
CBOD <sub>5</sub>						
May 1 - Oct 31	83.3	125	XXX	10.0	15.0	20
Nov 1 - Apr 30	166.6	250	XXX	20.0	30.0	40.0
Total Suspended Solids	250	375	XXX	30.0	45.0	60.0
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	17	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	50	XXX	XXX	6.0	XXX	12.0
Total Copper	Report	XXX	XXX	Report	XXX	Report
Total Zinc	Report	XXX	XXX	Report	XXX	Report

The proposed effluent limits for (stormwater only) Outfall 002.

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

NOTE: The permittee is eligible to conduct an annual inspection in lieu of the above monitoring. See Part C, "Requirements applicable to Stormwater Outfalls" regarding submission of the Annual Inspection Form.

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

- WET Testing prior to permit expiration.
- Stormwater Associated with Industrial Activity conditions (Outfall 002).

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

The EPA Waiver is not in effect.

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

**PA0028142**, Sewage, SIC Code 9711, 421930, 221320, 928110, **PA Department Of Military & Veterans Affairs Army National Guard**, Bldg # 0-11 Fort Indiantown Gap, Annville, PA 17003. Facility Name: Fort Indiantown Gap Military Ops & ADM. This existing facility is located in East Hanover Township, **Lebanon 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), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	209	XXX	XXX	25	XXX	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	250	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
	XXX	XXX	XXX	Geo Mean	XXX	1,000
Oct 1 - Apr 30				2000		
	XXX	XXX	XXX	Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	100	XXX	XXX	12	XXX	24
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
Total Phosphorus	16.7	XXX	XXX	2.0	XXX	4.0
Total Copper	XXX	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	24,353	XXX	XXX	XXX
Net Total Phosphorus	Report	3,044	XXX	XXX	XXX

\* This permit contains conditions which preclude the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006).

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

The EPA Waiver is not in effect.

**PA0261734**, Sewage, SIC Code 4952, **Genevieve E. and Stephen J. Moore**, 4350 Old Orchard Road, York, PA 17402. Facility Name: Genevieve E. and Stephen J. Moore Residence. This proposed facility is located in Springettsbury Township, **York County**.

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

The receiving stream(s), Unnamed Tributary of Kreutz Creek, is located in State Water Plan watershed 7-I 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 0.0004 MGD.

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

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

The EPA Waiver is in effect.

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

**PA0254461**, SIC Code 9611, **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219-2069. Facility Name: Summerset at Frick Park. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of untreated stormwater runoff.

The receiving stream(s), Ninemile Run, is located in State Water Plan watershed 19-A, 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 S01.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Monitor & Report			XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Dissolved Solids	XXX	XXX	XXX	Monitor & Report		XXX
Total Aluminum	XXX	XXX	XXX	Monitor & Report		XXX
Total Copper	XXX	XXX	XXX	Monitor & Report		XXX
Sulfate	XXX	XXX	XXX	Monitor & Report		XXX

The proposed effluent limits for Outfall S02.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Monitor & Report			XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Dissolved Solids	XXX	XXX	XXX	Monitor & Report		XXX
Total Aluminum	XXX	XXX	XXX	Monitor & Report		XXX
Total Copper	XXX	XXX	XXX	Monitor & Report		XXX
Sulfate	XXX	XXX	XXX	Monitor & Report		XXX

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

The EPA Waiver is in effect.

**PA0027570**, Sewage, **Western Westmoreland Municipal Authority**, 12441 Route 993, N Huntingdon, PA 15642-0366. Facility Name: Brush Creek STP. This existing facility is located in North Huntingdon Township, **Westmoreland County**.

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

The receiving stream(s), Brush Creek, is located in State Water Plan watershed 19-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.4MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	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
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	3.3
CBOD <sub>5</sub>	917	1376	XXX	25	37.5	50
Total Suspended Solids	1101	1651	XXX	30	45	60



<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
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

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

The Authority will be allowed to discharge uncontaminated stormwater from the STP site through Outfalls 101 and 102.

The Authority will be allowed to discharge combined sewage through CSO Outfalls, 004, 005 and 006.

The EPA Waiver is not in effect.

**PA0092860**, Sewage, **Terrance & Jeanne Lambie**, PO Box 301, Scottdale, PA 15683. Facility Name: Terrace Acres MHP STP. This existing facility is located in Upper Tyrone 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), Jacobs Creek, 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 0.0372 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily</i>		<i>Average Monthly</i>	<i>Daily</i>	
Flow (MGD)	0.0372	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
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

The EPA Waiver is in effect.

**PA0094846**, Sewage, SIC Code 6515, **UMH Properties, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. Facility Name: Somerset Estates MHP STP. This existing facility is located in Somerset Township, **Somerset County**.

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

The receiving stream(s), Unnamed Tributary to East Branch Coxes Creek, is located in State Water Plan watershed 19-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.065 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.065	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.7	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0

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.

**PA0253081**, Sewage, SIC Code 1542, **Universal Electric Corp**, 168 Georgetown Road, Canonsburg, PA 15317. Facility Name: Universal Electric Corp. STP This existing facility is located in Cecil Township, **Washington 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), Chartiers Creek, is located in State Water Plan watershed 20-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.006 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	XXX	Minimum	Average Monthly	XXX	
Flow (MGD)	0.0006	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1000
	XXX	XXX	XXX	2000		
				Geo Mean	XXX	10000
Ammonia-Nitrogen						
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.

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*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.*

**PA0102792**, Sewage, SIC Code 4952, 6515, **Bernard C McKruit**, 347 Edgewood Drive, Cabot, PA 16023-9788. Facility Name: Bernies MHP. This existing facility is located in Winfield Township, **Butler County**.

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

The receiving stream is Little Buffalo Creek, located in State Water Plan watershed 18-F and is classified for High Quality Waters - 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 0.0131 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.5
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	XXX
	XXX	XXX	XXX	2000		
				Geo Mean	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3	XXX	6
Nov 1 - Apr 30	XXX	XXX	XXX	9	XXX	18

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

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

**WQM Permit No. 3600407, Amendment 11-1**, Sewerage, **Columbia Municipal Authority**, 308 Locust Street, Columbia, PA 17512-1121.

This proposed facility is located in Columbia Borough, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a comprehensive plant upgrade.

**WQM Permit No. 6707407, Amendment 11-1**, Sewerage, **Windsor Township**, 1480 Windsor Road, Red Lion, PA 17356.

This proposed facility is located in Windsor Township and York Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement/operation of existing underground pump station and gravity sewer system. To be replaced with a new pump station and gravity interceptor and force main. (Panorama Hills Pump Station)

**WQM Permit No. 6711401**, Sewerage, **Stephen & Genevieve E. Moore**, 4350 Old Church Road, York, PA 17402.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve their existing single family residence.

#### 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 151122	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106-7676	Chester	Charlestown Township	Unnamed Tributary Pigeon Run (HQ-TSF)

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

*Northampton County Conservation District: 14 Gracedale Avenue, Greystone Building, Nazareth, PA 18064, 610746-1971.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024811005	Jack E. Muschlitz 2437 Southmoore Drive Bath, PA 18014	Northampton	Bushkill Twp.	Bushkill Creek, HQ-CWF, MF

*Luzerne County Conservation District: 325 Smiths Pond Road, Shavertown, PA18708, 570-674-7991.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024010009	PA Dept. of Transportation Debbie Noone 55 Keystone Industrial Park Dunmore, PA 18512	Luzerne	Avoca Borough, Duryea Borough, Dupont Borough, Pittston Township, Moosic Borough	Lidy Creek, CWF, MF; Mill Creek, CWF, MF; Spring Brook, HQ-CWF, MF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

### STATE CONSERVATION COMMISSION NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Snider Swine Operation Tyler Snider 22357 Mountain Foot Road Neelyton, PA 17239	Huntingdon	80.5 acres owned for manure application	359.55 AEU's 4.47 AEU's/ac	Swine Beef	Not Applicable	New

**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. 3611520**, Public Water Supply.  
 Applicant **Oak Lane Mennonite School**  
 Municipality Penn Township  
 County **Lancaster**  
 Responsible Official Dale L. Zimmerman, Chairman  
 1327 E. Meadow Road  
 Manheim, PA 17545  
 Type of Facility Public Water Supply  
 Consulting Engineer Jack L. McSherry III, P.E.  
 Jack L. McSherry Inc.  
 150 Indian Hill Road  
 Conestoga, PA 17516  
 Application Received: 4/21/2011  
 Description of Action Anion Exchange for Nitrate Treatment

**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.

**Permit No. 2211507**, Public Water Supply.  
 Applicant **Pillow Borough Authority**  
 Municipality Pillow Borough  
 County **Dauphin**



Responsible Official Mills Eure, Chairman  
PO Box 206  
Pillow, PA 17080

Type of Facility Public Water Supply

Consulting Engineer Raelene M Gabriel, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Application Received: 7/7/2011

Description of Action Installation of a new treatment building, clearwell and pump upgrades.

**Permit No. 2111504**, Public Water Supply.

Applicant **South Middleton Township Authority**

Municipality South Middleton Township

County **Cumberland**

Responsible Official Robert L Kissinger, Manager  
345 Criswell Drive  
Boiling Springs, PA 17007-0008

Type of Facility Public Water Supply

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

Application Received: 7/5/2011

Description of Action Construction of a new Booster Station 4 and construction of a new 2 MG storage tank No. 5 and new Booster Station 5.

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

**Permit No. 0211510**, Public Water Supply.

Applicant **Moon Township Municipal Authority**,  
1700 Beaver Grade Road,  
Suite 200,  
Moon Township, PA 15108

[Township or Borough] Moon Township

Responsible Official John F. Riley, General Manager  
Moon Township Municipal Authority,  
1700 Beaver Grade Road,  
Suite 200,  
Moon Township, PA 15108

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.,  
5173 Campbells Run Road,  
Pittsburgh, PA 15205

Application Received Date July 26, 2011

Description of Action Installation of a mixing system in the Authority's Airport #5 water storage tank.

#### MINOR AMENDMENT

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

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

#### Application No. 5611512GWR, Minor Amendment.

Applicant **UMH Properties, Inc.**,  
1275 Forman Drive,  
Morgantown, WV 26508

[Township or Borough] Somerset Township

Responsible Official Jeffery Yorick,  
Vice President of Engineering,  
UMH Properties, Inc.,  
1275 Forman Drive,  
Morgantown, WV 26508

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date July 25, 2011

Description of Action Demonstration of 4-log treatment for groundwater sources for Somerset Estates.

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

#### Application No. 3611525, Minor Amendment, Public Water Supply.

Applicant **Smoketown Diner, LLC**

Municipality East Lampeter Township

County **Lancaster**

Responsible Official Dolores M. Sellers, Part Owner  
PO Box 9  
Smoketown, PA 17576

Type of Facility Public Water Supply

Consulting Engineer Charles A Kehew II, P.E.  
James R. Holley & Assoc., Inc.  
18 South George St.  
York, PA 17401

Application Received: 7/5/2011

Description of Action Anion Exchange Nitrate Treatment

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard,

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

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

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

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

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

**Pennsylvania Extruded Tube Company (PEXCO)**, 982 Griffin Pond Road, Scott Township and South Abington Township, **Lackawanna County**. Erin Palko, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 has submitted a Notice of Intent to Remediate (on behalf of her client, Pennsylvania Extruded Tube Company, P. O. Box 1280, Scranton, PA 18510), concerning the remediation of soil found to have been impacted by lubricating oils/fluids. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil. The intended future use of the property includes the continued manufacture of specialty steel tube. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Buckeye Pipeline Shippingport Release**, Shippingport Borough, **Beaver County**. Groundwater & Environmental Services, Inc., 444 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Buckeye Partners, L.P., Tek Park Five, 9999 Hamilton Boulevard, Breinigsville, PA 18031 and National Gypsum Company, P. O. box 346, 168 Shippingport Hill Road, Shippingport, Pa 15077 has submitted a Notice of Intent to Remediate. A ten (10) inch pipeline owned and operated by Buckeye Pipe Line Company carrying ultra-low sulfur diesel fuel released approximately 12,600 gallons of fuel to the soil of the pipeline right of way and to property owned by the National Gypsum Company. The site is to remain nonresidential. Remediation of the area is expected to meet the statewide health standard.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

#### *Renewal Applications Received*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024-1216. License No. PA-HC 0015. Received on June 16, 2011.

**Secured Med Waste, LLC.**, 3113 Lauren Hill Drive, Finksburg, MD 21048. License No. PA-HC 0241. Received on June 24, 2011.

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Received July 14, 2011.

**York Hospital**, 1001 South George Street, York, PA 17405. License No. PA-HC 0017. Received July 18, 2011.

**Citiwaste, LLC.**, 100-02 Farragut Road, Brooklyn, NY 11236. License No. PA-HC 0243. Received July 21, 2011.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received, under the Solid Waste Management Act 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. 300558. FirstEnergy Generation Corporation**, 76 South Main Street, Akron, OH 44308-1812. Bruce Mansfield Plant CCB Disposal Facility, Red Dog Road, Greene Township, PA 15403. An application for a Phase I permit for a captive residual waste landfill in Greene Township, **Beaver County**, was received in the Regional Office on July 25, 2011.

**Permit ID No. 101706. Michael Brothers Hauling, Inc.**, 5331 McAnulty Road, Pittsburgh, PA 15236-2532. Michael Brothers Hauling, Inc., 5331 McAnulty Road, Pittsburgh, Pa 15236-2532. A permit application for a municipal waste transfer station in Baldwin Borough, **Allegheny County** was received in the Regional Office on January 3, 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 to the date of the hearing.

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

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

### PLAN APPROVALS

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

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

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

**40-399-074: PPL Bell Bend LLC** (38 Bomboy Lane, Suite 2, Berwick, PA 18603) for the construction of a new

nuclear power plant with cooling towers at their facility to be located in Salem Twp., **Luzerne County**.

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

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

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

**AMS 11201: Lannett Co., Inc.** (9000 State Road - 9001 Torresdale Avenue, Philadelphia, PA 19136) for installation of four(4) dust collectors in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of less than 0.5 tons of Particulate Matter. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00027: GenOn Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317) for operation of Keystone Power Plant in Plumcreek Township, **Armstrong County**. This is a Title V Renewal submittal.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**42-00004: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) for a Title V Operating Permit to operate a petroleum products processing facility in the City of Bradford, **McKean County**.

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

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

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

**09-00147: Northtec LLC** (411 Sinclair Road, Bristol, PA 19007) for operation of a cosmetic powder processing plant located in Bristol Township, **Bucks County**. The renewal permit is for a non-Title V (State Only) facility. The facility does not have the potential to emit major amounts of criteria pollutants; therefore the facility is categorized as a Natural Minor. Emissions from Source ID 102 (Pressing) and 103 (Compounding) are now vented indoors; therefore the sources have been removed from Section A (Site Inventory) and Section D (Source Level) and now appear in Section G (Miscellaneous) of the renewal permit. The permit will include monitoring,



recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00042: Southeastern Veterans Center** (1 Veterans Drive, Spring City, PA 19475) for operation of two (2) boilers, two (2) emergency generators, one (1) fire pump, one (1) chiller and various small natural gas heaters at the care center for retired veterans of war in East Vincent Township, **Chester County**. This action is a renewal of the original State Only Operating Permit (Synthetic Minor), which was issued on December 20, 2006. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**39-00074: SHI APD Cryogenics, Inc.** (1833 Vultee Street, Allentown, PA 18103) for a State-only (Synthetic Minor) Operating Permit in Allentown City, **Lehigh County**. The sources at the facility include three batch vapor degreasers and two cold cleaning degreasers. The proposed State-only (Synthetic Minor) Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**11-00527: Phoenix Services LLC** (148 West State Street, Suite 301, Kennett Square, PA 19375) for operation of slag processing facility in Franklin Borough, **Fayette County**. This is an initial State Only Permit Application submittal.

**65-00378: Buckeye Terminals LLC** (134 BP Tank Lane, Greensburg, PA 15601) for operation of Greensburg Terminal in Hempfield Township, **Westmoreland County**. This is a State Only Permit Renewal submittal.

**30-00087: Emerald Coal Resources, L.P.**, 158 Portal Road, Waynesburg, PA 15370, Natural Minor Operating Permit renewal for the operation of a coal preparation plant and rail loading facility, known as the Emerald Mine, located in Franklin Township, **Greene County**.

The facility contains air contamination sources, consisting of a breaker, conveyers, chemical froth flotation system, and storage piles. Facility emissions are 7.28 tons per year of PM10 and 31.84 tons per year of VOC. Maximum permitted capacity of the facility is 10 million tons per year of raw coal. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants, as promulgated on October 8, 2009. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Envi-

ronmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Operating Permit (specify Operating Permit OP-32-00318), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

**25-00944: PHB Die Casting, Inc.**, (7900 West Ridge Road, Fairview, PA 16415), to issue a State Only Operating Permit renewal for the facility located in Fairview Township, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include natural gas-fired zinc and aluminum melting furnaces, shot blasting operations, natural gas-fired boilers, and parts washers. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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*

**30841307 and NPDES No. PA0213438, Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Whiteley Township, **Greene County** for a post-mining land use change to pastureland and forestland at the No. 6 Bleeder Shaft Site. Pre-Mining land use was pastureland and forestland. No additional discharges. Application received: April 22, 2011.

**32951301 and NPDES No. PA0215821, GP12-32951301, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Toms Run Mine in Burrell Township, **Indiana County** and related NPDES permit. Includes renewal of Air Quality GPA/GP-12 Authorization. No additional discharges. Application received: February 9, 2011.

**63841303 and NPDES No. PA02130993, ArcelorMittal Pristine Resources, Inc.**, (P. O. Box 26, 129 Bethlehem Road, Revloc, PA 15748), to revise the permit for the Marianna Mine No. 58 in Marianna Borough, **Washington County** for a post-mining land use change for a 49.5 acre parcel to be sold to Marianna Borough. No additional discharges. Application received: April 6, 2010.

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

**56900109 and NPDES No. PA0598887. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 48.2 acres. Receiving stream(s): Wells Creek classified for the following use(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: July 20, 2011.

**56980301 and NPDES No. PA023499. Keystone Lime Company**, P. O. Box 278, Springs, PA 15562, revision of an existing bituminous surface mine to add 8.7 acres for support only, to the SMP in Addison and Elk Lick Townships, **Somerset County**, affecting 214.5 acres. Receiving stream(s): UT to Zehner Run; UTS to/and Christener Run classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 15, 2011.

**56060108 and NPDES No. PA0249921. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, revision of an existing bituminous surface mine to add a haul road to the SMP in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving stream(s): UTS to/and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2011.

**32110104 and NPDES No. PA0263303. Simpson Coal Company**, 1003 Bush Road, New Alexandria, PA 15670, commencement, operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 38 acres. Receiving stream(s): Nesbit Run and UTS to Whisky Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2011.

**56080104 and NPDES no. PA0262625. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, transfer of an existing bituminous surface and auger mine from Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, located in Paint Township, **Somerset County**, affecting 252.9 acres. Receiving stream(s): Paint Creek and unnamed tributary to Paint Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2011.

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

**35090101C. Maco Associates, Inc.**, (400 Mill Street, Dunmore, PA 18512), incidental boundary correction to an existing anthracite surface mine and coal refuse reprocessing operation to add 1.5 acres for coal stock pile support for a total of 1700.0 in Fell Township and the City of Carbondale, **Lackawanna County**, receiving stream: Wilson Creek, classified for the following use: cold water fishes. Application received: July 19, 2011.

**40900204R4. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite surface mine operation in Newport Township and City of Nanticoke, **Luzerne County** affecting 80.0 acres, receiving stream: Newport Creek, classified for the following use: warm water fishes. Application received: July 27, 2011.

#### *Noncoal Applications Received*

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

**6476SM6 and NPDES Permit No. PA0595365. Union Quarries, Inc.**, P. O. Box 686, Carlisle, PA 17013, renewal of NPDES Permit, South Middleton Township, **Cumberland County**. Receiving stream(s): Letort Spring Run, classified for the following use(s): exceptional value. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2011.

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

**PA0224081. Stoudt's Ferry Preparation Co., Inc.**, (P. O. Box 279, St. Clair, PA 17970), renewal of NPDES Permit for Bureau of Abandon Mine Reclamation's Schuylkill River Project in Exeter Township, **Berks County**, receiving stream: Schuylkill River, classified for the following use: warm water fishery. Application received: July 15, 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 accord-

ance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

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

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code 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*		greater than 6.0; less than 9.0	
pH*			

\* 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 rel-

evant 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. PA0213225 (Mining permit no. 56950111)**, Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, revision of an NPDES permit for surface coal mining operation in Shade Township, **Somerset County**, affecting 393.8 acres. Receiving stream(s): unnamed tributary to Shade Creek and Shade Creek; unnamed tributary to Hinson Run and Hinson Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: June 30, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Shade Creek and Shade Creek; unnamed tributary to Hinson Run and Hinson Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond T-1	N
002—Treatment Pond T-2	N
003—Treatment Pond T-3	N
004—Treatment Pond T-4	N
009—Treatment Pond T-5	N
013—Treatment Pond T-6	Yes

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 (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005—Sediment Pond 1	N
006—Sediment Pond 2	N
007—Sediment Pond 3	N
008—Sediment Pond 4	N
010—Sediment Pond 5	N
011—Sediment Pond 6	N
012—Sediment Pond 7	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>
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 (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0263192 (Mining permit no. 56110103)**, Wilson Creek Energy, LLC, 140 West Union Street, Somerset, PA 15501, new NPDES permit for surface mine in Jenner Township, **Somerset County**, affecting 49.8 acres. Receiving stream(s): Unnamed tributaries to Quemahoning Creek, classified for the following use(s): cold water fisheries. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: March 22, 2011.

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

The treated wastewater listed below discharge to unnamed tributaries to Quemahoning Creek:

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

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

<i>Outfalls: 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	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 and 002	Yes

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

<i>Outfalls: 001 and 002 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	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

**NPDES No. PA-0257729 (GFCC no. 17-08-02), P & N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767, new NPDES permit for abandoned mine reclamation in Sandy Township, **Clearfield County**, affecting 37.3 acres. Receiving stream(s): Slab Run classified for the following use(s): CWF. [Within the Redbank Creek Watershed TMDL: **Armstrong, Clarion, Clearfield and Jefferson Counties**] Application received: June 30, 2011.

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

The outfall(s) listed below discharge to Slab Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	Yes
TB-2	Yes

**NPDES No. PA-0257737 (GFCC no. 17-10-02)**, Warren C. Hartman, Contractor, 5315 Bigler Road, Clearfield, PA 16830, new NPDES permit for abandoned mine reclamation in Lawrence Township, **Clearfield County**, affecting 16.6 acres. Receiving stream(s): Wolf Run classified for the following use(s): CWF. [Within the West Branch Susquehanna River TMDL: **Clearfield, Indiana, Centre, Clinton, Cameron, Elk, Potter, Tioga, Lycoming, Union, Columbia, Northumberland, McKean and Wyoming Counties**] Application received: June 30, 2011.

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

The outfall(s) listed below discharge to Wolf Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP-1	Yes

**NPDES No. 0257354 (Mining permit no. 17100107), C.M.T. Energy, Inc.**, 108 S. Twigg Street, P. O. Box 23, Smoke Run, PA 16681, has applied for a new NPDES permit for surface mining in Chest Township, **Clearfield County**, affecting 23.4 acres. Receiving stream(s): Chest Creek, Unnamed Tributary to Chest Creek, and Unnamed Tributary to Wilson Run, classified for the following use(s): CWF. [West Branch Susquehanna River TMDL] Application received: 04/30/2010.

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 Chest Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y



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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.8
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70	90

**NPDES No. PA 02577176 (Mining permit no. 14090103), River Hill Coal Company, Inc.,** P. O. Box 141, Kylertown, PA 16847, new of an NPDES permit for bituminous surface and auger mining in Snow Shoe Township, **Centre County**, affecting 224.5 acres. Receiving stream(s): an unnamed tributary to and North Fork Beech Creek, classified for the following use(s): Cold Water Fisheries. A TMDL titled North Fork Beech Creek Watershed TMDL has been completed. Application received: June 15, 2009.

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 [list receiving stream]: unnamed tributary to North Fork Beech Creek.

*Outfall Number*

TB-3

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

*Discharge Limitations\**

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron	3.0	6.0	7.0
Manganese	1.2	2.4	3.0
Total Suspended Solids	35.0	70.0	90.0
Aluminum	2.0	4.0	5.0
Osmotic Pressure			50 milliosmoles/ kilogram

pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

\* Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring specified above shall be taken during a discharge at the final outlet from each set of treatment ponds.

The outfall(s) listed below discharge to [list receiving stream]: North Fork Beech Creek.

*Outfall Numbers*

TB-1

TB-2

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

*Discharge Limitations\**

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron	2.5	5.0	5.8
Manganese	2.0	4.0	5.0
Total Suspended Solids	35.0	70.0	90.0
Aluminum	2.0	4.0	5.0
Osmotic Pressure			50 milliosmoles/ kilogram

pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

\* Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring specified above shall be taken during a discharge at the final outlet from each set of treatment ponds.

The outfall(s) listed below discharge to [list receiving stream]: unnamed tributary to and North Fork Beech Creek.

Erosion and Sedimentation Control Facilities

Outfall Numbers

- A
- B
- C
- D
- E

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

Discharge Limitations\*

Discharge Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Iron			7.0
Manganese			4.0
Total Settleable Solids			0.5ml/l
pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

\* Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

Samples taken in compliance with the monitoring specified above shall be taken during a discharge at the outlet from each sediment control structure.

Note: The above discharge limitations and monitoring requirements are based upon the presumption that the erosion and sedimentation control facilities will only discharge as a result of a "precipitation event". If the discharge occurs during "dry weather flow" conditions, then Group A limitations will apply (as defined in 25 Pa. Code Chapters 86—90).

Noncoal NPDES Draft Permits

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

**NPDES No. PA0595365 (Mining permit no. 6476SM6)**, Union Quarries, Inc., P. O. Box 686, Carlisle, PA 17013, renewal of an NPDES permit for noncoal surface mine in South Middleton Township, **Cumberland County**, affecting 259 acres. Receiving stream(s): Letort Spring Run, classified for the following use(s): exceptional value. Application received: July 19, 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: Letort Spring Run

Outfall Nos.	New Outfall (Y/N)
001	N

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E48-407A. Northeastern ITS**, 6779 Engle Road, Suite D, Middleburg Heights, OH, in Northampton Borough, North Catasauqua Borough, City of Bethlehem, Lower Saucon Township, Williams Township, City of Easton, **Northampton County**, U.S. Army Corps of Engineers, Baltimore District.

To amend Permit No. E48-407A to authorize the maintenance of the following water obstructions and encroachments associated with the Wilderness Fiber Optic project that originates in Cleveland, OH. A total of 14.42 miles was traversed for the amendment of the Northampton County portion beginning at the Northampton County/

Lehigh County border on the Norfolk Southern railroad bridge crossing the Lehigh River (Allentown East, PA Quadrangle Latitude: 40°36'52.36"; Longitude: -75°23'8.39") and ending at the Northampton County border on the Norfolk Southern railroad bridge crossing the Delaware River (Easton, PA Quadrangle Latitude: 40°41'15.45"; Longitude: -75°12'8.17"). The applicant crossed a total of 14 streams in Northampton County via boring, trenching, or bridge attachment. The crossings are listed below:

1. City of Easton; Latitude: 40° 41' 14.77"; Longitude: -75° 12' 16.13"; Delaware River (WWF, MF)
2. City of Easton; Latitude: 40° 40' 58.44"; Longitude: -75° 13' 11.99"; Tributary to Lehigh River (CWF, MF)
3. Williams Township; Latitude: 40° 39' 45.59"; Longitude: -75° 14' 14.42"; Tributary to Lehigh River (CWF, MF)
4. Williams Township; Latitude: 40° 39' 21.32"; Longitude: -75° 14' 43.02"; Tributary to Lehigh River (CWF, MF)
5. Williams Township; Latitude: 40° 39' 5.23"; Longitude: -75° 15' 1.53"; Tributary to Lehigh River (CWF, MF)
6. Lower Saucon Township; Latitude: 40° 38' 49.2"; Longitude: -75° 15' 36"; Tributary to Lehigh River (CWF, MF)
7. Lower Saucon Township; Latitude: 40° 38' 24.24"; Longitude: -75° 16' 53.14"; Tributary to Lehigh River (CWF, MF)
8. Lower Saucon Township; Latitude: 40° 38' 2.4"; Longitude: -75° 17' 60"; Bull Run (CWF, MF)
9. City of Bethlehem; Latitude: 40° 37' 9.79"; Longitude: -75° 20' 9.58"; Saucon Creek (CWF, MF)
10. City of Bethlehem; Latitude: 40° 36' 50.76"; Longitude: -75° 22' 55.56"; Tributary to Lehigh River (CWF, MF)
11. North Catasauqua Borough; Latitude: 40° 39' 30.41"; Longitude: -75° 28' 56.54"; Lehigh Canal (CWF, MF)
12. Northampton Borough; Latitude: 40° 40' 19.47"; Longitude: -75° 29' 3.92"; Dry Run (CWF, MF)
13. Northampton Borough; Latitude: 40° 40' 40.09"; Longitude: -75° 29' 22.01"; Hokendauqua Creek (CWF, MF)

E48-407 authorized the construction and maintenance of a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 18.5 miles will be traversed for the Northampton County portion of the proposed project beginning at the Lehigh County/ Northampton County border on State Route 329 (Catasauqua, PA Quadrangle Latitude: 40°41'25"; Longitude: -75°30'13") and ending at the Northampton County/ New Jersey border on the Northampton Street Bridge (Easton, PA Quadrangle Latitude: 40°41'29"; Longitude: -75°12'14"). The applicant proposes to cross a total of 13 streams in Northampton County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

1. Northampton Borough & Allen Township; Latitude: 40°41'39"; Longitude: -75°29'28"; Indian Creek (CWF, MF)
2. Allen Township; Latitude: 40°41'43"; Longitude: -75°29'01"; Water Filled Quarry in the Hokendauqua Creek Watershed (CWF, MF)

3. Allen Township; Latitude: 40°41'48"; Longitude: -75°28'03"; Tributary to Lehigh River (CWF, MF)

4. East Allen Township; Latitude: 40°41'18"; Longitude: -75°27'05"; Catasauqua Creek (CWF, MF)

5. Lower Nazareth Township; Latitude: 40°40'20"; Longitude: -75°21'09"; East Branch Monocacy Creek (HQ-CWF, MF)

6. Palmer Township; Latitude: 40°41'59"; Longitude: -75°15'08"; Tributary to Bushkill Creek (HQ-CWF, MF)

7. Palmer Township; Latitude: 40°42'12"; Longitude: -75°15'09"; Bushkill Creek (HQ-CWF, MF)

8. Easton Borough; Latitude: 40°41'29"; Longitude: -75°12'17"; Bushkill Creek (HQ-CWF, MF)

9. Easton Borough; Latitude: 40°41'45"; Longitude: -75°12'20"; Delaware River (WWF, MF)

10. Lower Nazareth Township; Latitude: 40°41'27"; Longitude: -75°20'36"; Tributary to East Branch Monocacy Creek (HQ-CWF, MF)

11. East Allen Township; Latitude: 40°41'01"; Longitude: -75°25'49"; Tributary to Catasauqua Creek (CWF, MF)

12. Lower Nazareth Township; Latitude: 40°41'41"; Longitude: -75°19'39"; Tributary to Monocacy Creek (HQ-CWF, MF)

13. Easton Borough; Latitude: 40°41'40"; Longitude: -75°15'49"; Tributary to Bushkill Creek (HQ-CWF, MF) (Hellertown, Catasauqua, Nazareth, Easton, PA Quadrangle, Latitude: 40°38'24.24"; Longitude: -75°16'53.14").

**E39-499A. Northeastern ITS**, 6779 Engle Road, Suite D, Middleburg Heights, OH, in Catasauqua Borough, City of Allentown, City of Bethlehem, **Lehigh County**, U.S. Army Corps of Engineers, Baltimore District.

To amend Permit No. E39-499 to authorize the maintenance of the following water obstructions and encroachments associated with the Wilderness Fiber Optic project that originates in Cleveland, OH. A total of 8.83 miles was traversed for the amendment of the Lehigh County portion beginning at the Northampton County/ Lehigh County border on the Norfolk Southern railroad line (Catasauqua, PA Quadrangle Latitude: 40°39'20.69"; Longitude: -75°28'53.14") and ending at the Lehigh County/ Northampton County border on the Norfolk Southern railroad bridge crossing the Lehigh River (Allentown East, PA Quadrangle Latitude: 40°36'52.36"; Longitude: -75°23'8.39"). The applicant crossed a total of 8 streams in Lehigh County via boring, trenching, or bridge attachment. The crossings are listed below:

1. City of Bethlehem; Latitude: 40° 36' 54.7"; Longitude: -75° 23' 8.86"; Lehigh River (WWF, MF)

2. City of Bethlehem; Latitude: 40° 36' 56.62"; Longitude: -75° 23' 11.91"; Lehigh Canal (CWF, MF)

3. City of Bethlehem; Latitude: 40° 37' 4.8"; Longitude: -75° 24' 48.6"; Unnamed Tributary to Lehigh River (CWF, MF)

4. City of Allentown; Latitude: 40° 36' 57.97"; Longitude: -75° 27' 14.12"; Unnamed Tributary to Lehigh River (CWF, MF)

5. City of Allentown; Latitude: 40° 37' 26.08"; Longitude: -75° 27' 30.28"; Unnamed Tributary to Lehigh River (CWF, MF)



6. City of Allentown; Latitude: 40° 37' 36.47"; Longitude: -75° 27' 36.63"; Unnamed Tributary to Lehigh River (CWF, MF)

7. Catasauqua Borough; Latitude: 40° 38' 41.81"; Longitude: -75° 27' 54.59"; Unnamed Tributary to Lehigh River (CWF, MF)

8. Catasauqua Borough; Latitude: 40° 38' 51.81"; Longitude: -75° 28' 7.46"; Catasauqua Creek (HQ-CWF)

E39-499 authorized the construction and maintenance of a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 18.9 miles will be traversed for the Lehigh County portion of the proposed project beginning at the Schuylkill County/ Lehigh County border on State Route 309 (Slatedale, PA Quadrangle Latitude: 40°42'23"; Longitude: -75°48'28") and ending at the Lehigh County/ Northampton County border on State Route 329 (Catasauqua, PA Quadrangle Latitude: 40°41'25"; Longitude: -75°30'13"). The applicant proposes to cross a total of 18 streams in Lehigh County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

1. Lynn Township; Latitude: 40°42'55"; Longitude: -75°46'04"; Tributary to Ontelaunee Creek (EV, MF)

2. Lynn Township; Latitude: 40°42'25"; Longitude: -75°45'39"; Ontelaunee Creek (EV, MF)

3. Lynn Township; Latitude: 40°41'18"; Longitude: -75°44'45"; School Creek (EV, MF)

4. Lynn Township; Latitude: 40°41'62"; Longitude: -75°44'33"; Tributary to School Creek (EV, MF)

5. Lynn Township; Latitude: 40°40'51"; Longitude: -75°43'41"; Tributary to School Creek (EV, MF)

6. Heidelberg Township; Latitude: 40°40'47"; Longitude: -75°42'53"; Tributary to Jordan Creek (HQ-CWF, MF)

7. Heidelberg Township; Latitude: 40°40'49"; Longitude: -75°41'54"; Tributary to Jordan Creek (HQ-CWF, MF)

8. Heidelberg Township; Latitude: 40°40'55"; Longitude: -75°41'36"; Jordan Creek (TSF, MF)

9. Heidelberg Township; Latitude: 40°40'59"; Longitude: -75°41'30"; Tributary to Jordan Creek (HQ-CWF, MF)

10. Heidelberg Township; Latitude: 40°41'09"; Longitude: -75°40'48"; Tributary to Jordan Creek (HQ-CWF, MF)

11. Heidelberg Township; Latitude: 40°40'42"; Longitude: -75°38'47"; Tributary to Mill Creek (CWF, MF)

12. Heidelberg Township; Latitude: 40°40'36"; Longitude: -75°38'24"; Mill Creek (CWF, MF)

13. North Whitehall Township; Latitude: 40°40'46"; Longitude: -75°37'45"; Tributary to Mill Creek (CWF, MF)

14. North Whitehall Township; Latitude: 40°40'14"; Longitude: -75°35'42"; Coplay Creek (CWF, MF)

15. North Whitehall Township; Latitude: 40°40'41"; Longitude: -75°35'40"; Tributary to Coplay Creek (CWF, MF)

16. North Whitehall Township; Latitude: 40°40'36"; Longitude: -75°34'29"; Tributary to Coplay Creek (CWF, MF)

17. Whitehall Township; Latitude: 40°41'24"; Longitude: -75°30'12"; Lehigh River (TSF, MF)

18. Lynn Township; Latitude: 40°40'59"; Longitude: -75°44'23"; Tributary to School Creek (WWF, MF) (Catasauqua, Allentown East, PA Quadrangle, (Latitude: 40°37'26"; Longitude: -75°29'30"), Catasauqua Borough, City of Allentown, City of Bethlehem, Lehigh County, U.S. Army Corps of Engineers, Baltimore District.

**E54-343A (New Ringgold, Tamaqua, Shenandoah, Delano and Ashland)**, PA Quadrangle, Latitude: 40°48'46.04"; Longitude: -76°02'12.34", Butler Township, West Mahanoy Township, Mahanoy Township, Ryan Township, Schuylkill Township, Walker Township, Rush Township, Ashland Borough, Girardville Borough, Gilberton Borough, Tamaqua Borough, City of Mahanoy, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District.

To amend Permit No. E54-343A to authorize the maintenance of the following water obstructions and encroachments associated with the Wilderness Fiber Optic project that originates in Cleveland, OH. A total of 27.76 miles was traversed for the amendment of the Schuylkill County portion beginning at the intersection of River Road and the Reading Blue Mountain & Northern railroad line in Tamaqua (New Ringgold, PA Quadrangle Latitude: 40°44'25.46"; Longitude: -75°58'16.52") and ending at the intersection of Route 61 the Reading Blue Mountain & Northern railroad line in Ashland (Ashland, PA Quadrangle Latitude: 40°46'44.73"; Longitude: -76°20'15.80"). The applicant crossed a total of 33 streams in Schuylkill County via boring, trenching, or bridge attachment. The crossings are listed below:

1. Walker Township; Latitude: 40° 44' 52.35"; Longitude: -75° 57' 57.59"; Tributary to Little Schuylkill River (CWF, MF)

2. Walker Township; Latitude: 40° 45' 11.76"; Longitude: -75° 56' 55.89"; Tributary to Little Schuylkill River (CWF, MF)

3. Walker Township; Latitude: 40° 45' 45.48"; Longitude: -75° 57' 20.43"; Tributary to Little Schuylkill River (CWF, MF)

4. Walker Township; Latitude: 40° 45' 47.77"; Longitude: -75° 57' 42.05"; Rabbit Run (CWF, MF)

5. Tamaqua Borough; Latitude: 40° 47' 10.70"; Longitude: -75° 57' 56.14"; Tributary to Little Schuylkill River (CWF, MF)

6. Tamaqua Borough; Latitude: 40° 47' 32.5"; Longitude: -75° 58' 6.70"; Tributary to Little Schuylkill River (CWF, MF)

7. Tamaqua Borough; Latitude: 40° 47' 45.25"; Longitude: -75° 58' 10.50"; Wabash Creek (CWF, MF)

8. Rush Township; Latitude: 40° 48' 45.19"; Longitude: -75° 58' 50.37"; Little Schuylkill River (CWF, MF)

9. Rush Township; Latitude: 40° 48' 39.21"; Longitude: -75° 59' 16.86"; Little Schuylkill River (CWF, MF)

10. Rush Township; Latitude: 40° 48' 37.31"; Longitude: -75° 59' 33.53"; Little Schuylkill River (CWF, MF)

11. Rush Township; Latitude: 40° 48' 36.77"; Longitude: -75° 59' 44.76"; Little Schuylkill River (CWF, MF)

12. Rush Township; Latitude: 40° 48' 43.80"; Longitude: -75° 59' 53.48"; Tributary to Little Schuylkill River (CWF, MF)



13. Rush Township; Latitude: 40° 49' 17.65"; Longitude: -76° 00' 46.33"; Pine Creek (CWF, MF)

14. Rush Township; Latitude: 40° 49' 11.35"; Longitude: -76° 01' 4.77"; Pine Creek (CWF, MF)

15. Rush Township; Latitude: 40° 48' 57.03"; Longitude: -76° 01' 34.63"; Tributary to Pine Creek (CWF, MF)

16. Rush Township; Latitude: 40° 48' 46.04"; Longitude: -76° 02' 12.34"; Tributary to Pine Creek (CWF, MF)

17. Ryan Township; Latitude: 40° 48' 46.62"; Longitude: -76° 04' 49.27"; Tributary to Hosensock Creek (CWF, MF)

18. Ryan Township; Latitude: 40° 48' 43.86"; Longitude: -76° 04' 59.34"; Tributary to Hosensock Creek (CWF, MF)

19. Ryan Township; Latitude: 40° 48' 42.10"; Longitude: -76° 05' 3.52"; Tributary to Hosensock Creek (CWF, MF)

20. Ryan Township; Latitude: 40° 48' 41.44"; Longitude: -76° 05' 5.72"; Tributary to Hosensock Creek (CWF, MF)

21. Ryan Township; Latitude: 40° 48' 41.39"; Longitude: -76° 05' 6.14"; Tributary to Hosensock Creek (CWF, MF)

22. Ryan Township; Latitude: 40° 48' 41.65"; Longitude: -76° 05' 7.55"; Tributary to Hosensock Creek (CWF, MF)

23. Ryan Township; Latitude: 40° 48' 41.49"; Longitude: -76° 05' 10.99"; Tributary to Hosensock Creek (CWF, MF)

24. Mahanoy Township; Latitude: 40° 49' 17"; Longitude: -76° 06' 02"; Mahanoy Creek (CWF, MF)

25. Mahanoy City; Latitude: 40° 48' 53"; Longitude: -76° 08' 05"; Tributary to Mahanoy Creek (CWF, MF)

26. Mahanoy City; Latitude: 40° 48' 49.86"; Longitude: -76° 08' 29.47"; North Mahanoy Creek (CWF, MF)

27. Mahanoy Township; Latitude: 40° 48' 41.68"; Longitude: -76° 09' 5.88"; Tributary to Mahanoy Creek (CWF, MF)

28. Mahanoy Township; Latitude: 40° 48' 11.77"; Longitude: -76° 10' 38.58"; Tributary to Mahanoy Creek (CWF, MF)

29. Gilberton Borough; Latitude: 40° 47' 57.89"; Longitude: -76° 12' 30.62"; Tributary to Mahanoy Creek (CWF, MF)

30. West Mahanoy Township; Latitude: 40° 47' 40.68"; Longitude: -76° 14' 17.56"; Mahanoy Creek (CWF, MF)

31. Ashland Borough; Latitude: 40° 47' 30"; Longitude: -76° 16' 15"; Tributary to Mahanoy Creek (CWF, MF)

32. Ashland Borough; Latitude: 40° 46' 49.34"; Longitude: -76° 20' 3.09"; Tributary to Mahanoy Creek (CWF, MF)

33. Ashland Borough; Latitude: 40° 46' 41.98"; Longitude: -76° 20' 20.95"; Mahanoy Creek (CWF, MF)

E54-343 authorized the construction and maintenance of a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 41.2 miles will be traversed for the Schuylkill County portion of the proposed project beginning at the Columbia County/ Schuylkill County border on Main Street (S.R. 4028) (Mount Carmel, PA

Quadrangle Latitude: 40°46'38"; Longitude: -76°22'31") and ending at the Schuylkill County/ Lehigh County border on State Route 309 (New Tripoli, PA Quadrangle Latitude: 40°42'23"; Longitude: -75°48'28"). The applicant proposes to cross a total of 21 streams in Schuylkill County via boring, trenching, or bridge attachment. The proposed crossings are listed below:

1. Butler Township; Latitude: 40°46'39"; Longitude: -76°22'27"; Tributary to Mahanoy Creek (CWF, MF)

2. Butler Township; Latitude: 40°46'37"; Longitude: -76°22'17"; Tributary to Mahanoy Creek (CWF, MF)

3. Butler Township; Latitude: 40°46'16"; Longitude: -76°20'15"; Mahanoy Creek (CWF, MF)

4. Frackville Borough; Latitude: 40°46'46"; Longitude: -76°14'27"; Little Mahanoy Creek (CWF, MF)

5. West Mahanoy Township; Latitude: 40°46'51"; Longitude: -76°12'46"; Stony Creek (CWF, MF)

6. West Mahanoy Township; Latitude: 40°47'11"; Longitude: -76°11'04"; Tributary to Mill Creek (CWF, MF)

7. West Mahanoy Township; Latitude: 40°47'11"; Longitude: -76°10'60"; Tributary to Mill Creek (CWF, MF)

8. Mahanoy Township; Latitude: 40°48'03"; Longitude: -76°07'09"; Tributary to Codorus Creek (CWF, MF)

9. Ryan Township; Latitude: 40°47'24"; Longitude: -76°04'53"; Locust Creek (CWF, MF) and adjacent wetlands

10. Ryan Township; Latitude: 40°47'15"; Longitude: -76°03'59"; Tributary to Locust Creek (CWF, MF)

11. Ryan Township; Latitude: 40°47'22"; Longitude: -76°02'54"; Tributary to Locust Creek (CWF, MF)

12. Walker Township; Latitude: 40°45'54"; Longitude: -76°02'11"; Schuylkill River (CWF, MF)

13. Walker Township & West Penn Township; Latitude: 40°44'26"; Longitude: -75°58'07"; Little Schuylkill River (CWF, MF)

14. West Penn Township; Latitude: 40°44'23"; Longitude: -75°57'58"; Tributary to Little Schuylkill River (CWF, MF)

15. West Penn Township; Latitude: 40°44'18"; Longitude: -75°57'51"; Tributary to Little Schuylkill River (CWF, MF)

16. West Penn Township; Latitude: 40°43'09"; Longitude: -75°51'47"; Lizard Creek (CWF, MF)

17. West Penn Township; Latitude: 40°43'10"; Longitude: -75°51'17"; Lizard Creek (CWF, MF)

18. West Penn Township; Latitude: 40°42'58"; Longitude: -75°50'45"; Tributary to Lizard Creek (CWF, MF)

19. West Penn Township; Latitude: 40°44'09"; Longitude: -75°57'42"; Tributary to Little Schuylkill River (CWF, MF)

20. West Penn Township; Latitude: 40°43'54"; Longitude: -75°57'33"; Tributary to Little Schuylkill River (CWF, MF)

21. West Penn Township; Latitude: 40°42'31"; Longitude: -75°49'38"; Tributary to Lizard Creek (CWF, MF)

**E45-567. New Glenbrook East, LP**, One Wynnewood Road, P. O. Box 678, Wynnewood, PA 19096, in the Borough of Stroudsburg, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall structure in the floodway of Pocono Creek (HQ-CWF) consisting of two 19-inch x 30-inch elliptical pipes, flared end sections and a rip-rap apron. The outfall is associated with Glenbrooke East Apartments located on the east side of Waverly Road approximately 0.2 miles south of its intersection with SR 0209 (Main Street) (Stroudsburg, PA Quadrangle, Latitude: 40°58'52"; Longitude: -75°11'55").

**E13-167. Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676, in Penn Forest Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District. (Christmans & Pohopoco Mountain, PA Quadrangle, Latitude: 40°59'18.4"; Longitude: -75°37'49.4"), Penn Forest Township, Carbon County, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with PA Turnpike Northeast Extension SR 903 All Electronic Interchange Project:

1. (NB-606 Culvert Extension) To modify and maintain an existing 150-foot long, 11-foot by 7-foot concrete box stream enclosure carrying an UNT to Stony Creek (EV) under the northbound and southbound lanes of the PA Turnpike Northeast extension. Modifications include retrofitting the existing stream enclosure with fish baffles and extending the upstream end an additional 76 feet for the construction of Access Ramp D.

2. (NB-604 Culvert Extension) To modify and maintain an existing 95-foot long, 11-foot by 8-foot concrete box culvert carrying Stony Creek (EV) under the northbound and southbound lanes of the PA Turnpike Northeast Extension. Modifications include retrofitting the culvert with fish baffles and extending both the upstream and downstream ends an additional 9 feet for the construction of Access Ramps A&B.

3. (NB-608 Culvert) To construct and maintain a road crossing (Access Ramp C) of an UNT to Stony Creek (EV) consisting of a 70-foot long open-bottom concrete arch with concrete wing walls having a 16-foot span and an 8-foot underclearance.

4. (SR 903 Culvert) To remove the existing 34-foot long twin cell box culvert and to construct and maintain a road crossing (SR 903) of an UNT to Stony Creek (EV) consisting of a 90-foot long open-bottom concrete arch with concrete wing walls having a 12-foot span and a 7-foot underclearance.

5. To fill approximately 1,140 feet of the channel of an UNT to Stony Creek (EV) for the purpose of constructing Access Ramp B.

6. To fill approximately 1,039 feet of the channel of an UNT to Stony Creek (EV) for the purpose of constructing Access Ramp A.

7. To fill approximately 381 feet of the channel of an UNT to Stony Creek (EV) for the purpose of constructing Access Ramp A.

8. To fill 3.63 acres of wetlands within the Stony Creek Watershed (EV).

**E13-168. Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, in Nesquehoning Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an access road crossing of Jeans Run (HQ-CWF) consisting of a 14-foot wide steel I-beam and timber deck bridge having a 36-foot clear span and a 5-foot underclearance. The project is located

in State Game Lands #141 approximately 1.9 miles north of the intersection of SR 93 and SR 209 (Weatherly, PA Quadrangle, Latitude: 40°53'44"; Longitude: -75°46'60").

**E45-566. Sanofi Pasteur, Inc.**, Discovery Drive, Route 611, P. O. Box 187, Swiftwater, PA 18370, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing consisting of a 3.5-foot by 11-foot corrugated metal arch culvert across a tributary Swiftwater Creek (EV) and 0.07 acre of adjacent wetlands (EV). The project is located at the intersection of Discovery Drive and Forest Drive (Mount Pocono, PA Quadrangle, Latitude: 41°5'27.14"; Longitude: -75°19'13.45").

**E52-228. Captain's Cove Sales & Service, Inc.**, 134 Route 507, Hawley, PA 18428, in Palmyra Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain three 5-foot wide gravel paths in Lake Wallenpaupack to provide access to existing community docks. The project is located along Lake Wallenpaupack Road (SR 0507) approximately 0.25 mile south of its intersection with SR 006 (Hawley, PA Quadrangle, Latitude: 41°26'26"; Longitude: -75°10'35").

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

**E01-298. Texas Eastern Transmission, L.P.**, 890 Winter Street, Suite 300, Waltham, MA 02451, in Reading Township, **Adams County**, ACOE Baltimore District

The applicant proposes (1) to remove the existing structure and to install and maintain a 36.0-inch gas pipeline in and across four unnamed tributaries to Mud Run (WWF, MF) and three wetlands in the Mud Run Watershed temporarily impacting 0.89 acre of wetland; two unnamed tributaries to Market Run (WWF, MF) and one wetland in the Market Run Watershed temporarily impacting 0.62 acre of wetland; and two unnamed tributaries to Red Run (WWF, MF) and four wetlands in the Red Run Watershed temporarily impacting 1.15 acres of wetlands; and (2) to install and maintain temporary crossings in four unnamed tributaries to Mud Run (WWF, MF), two unnamed tributaries to Market Run (WWF, MF), and four unnamed tributaries to Red Run (WWF, MF), all for the purpose of replacing 4.0 miles of 24.0-inch gas pipeline with 36.0-inch gas pipe. The project location begins approximately 0.8 mile northeast of the intersection of Lake Meade Road and Carlisle Pike (Route 94) and ends approximately 0.8 mile east of Bakers Watering Trough Road approximately 0.4 mile northeast of its intersection with Stoney Point Road (Hampton, PA Quadrangle N: 16.9 inches, W: 16.1 inches; beginning at Latitude: 39°57'35.28", Longitude: -77°04'28.56" and ending at Latitude: 39°58'20.64", Longitude: -77°00'48.5994"), in Reading Township, Adams County.

**E67-888. The Pennsylvania Turnpike Commission**, Kevin Scheurich, 700 S. Eisenhower Blvd, Middletown, PA 17057-5529, in Fairview Township, **York County**, ACOE Baltimore District

To (1) extend and maintain an existing 74.0-foot long 42.0-inch reinforced concrete pipe in kind by 20.0 feet at the upstream end in an unnamed tributary to Marsh Run; and (2) relocate and maintain 35.0 feet of an unnamed tributary to Marsh Run for the purpose of improving transportation safety and roadway standards. The project is located on Marsh Run Road southeast of its

intersection of Mifflin Avenue (Steelton, PA Quadrangle: N: 13.0 inches, W: 10.0 inches; Latitude: 40°11'49", Longitude: -76°49'23") in Fairview Township, York County.

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

**E25-741, PA DOT, District 1-0**, 255 Elm Street, Oil City, PA 16301. S.R. 4009 Section A02 Asbury Rd Culvert Replacement Across Wilkins Run, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 42°, 04', 41.1"; W: 80°, 11', 9.9").

To remove the existing 7.5 ft. x 8.0 ft. x 56.7 ft. long Box Culvert and to construct and maintain a 12 ft. x 8.0 ft. x 77.0 ft. long Reinforced Precast Concrete Box Culvert across Wilkins Run on Asbury Rd, Millcreek Township, SR 4009 Segment 0020 Offset 0103 just South of its intersection with West Lake Rd S.R. 0005. Project includes wingwalls, concrete aprons on both the inlet and outlet and rock protection on the downstream side. The Proposed Culvert is being lengthened on downstream side to facilitate the widening of Asbury Road.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5929-021: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston and Delmar Townships, **Tioga County**, ACOE Baltimore District. To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Tiadaghton, PA Quadrangle 41°40'44"N 77°23'08"W);

2) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°40'39"N 77°22'08"W);

3) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 28 linear feet of East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°40'41"N 77°21'35"W);

4) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 25 linear square feet of East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°40'41"N 77°21'34"W);

5) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 25 linear feet of an unnamed tributary to Wilson Creek (CWF) (Antrim, PA Quadrangle 41°41'07"N 77°20'01"W);

6) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Wilson Creek (CWF) (Antrim, PA Quadrangle 41°41'17"N 77°19'49"W);

7) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Wilson Creek (CWF) (Antrim, PA Quadrangle 41°41'25"N 77°19'40"W);

8) a temporary road crossing using mat bridge impacting 16 linear feet of an unnamed tributary to Wilson Creek (CWF) (Antrim, PA Quadrangle 41°41'40"N 77°19'00"W);

9) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of Wilson Creek (CWF) (Antrim, PA Quadrangle 41°42'05"N 77°18'27"W);

10) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Wilson Creek (CWF) (Antrim, PA Quadrangle 41°42'06"N 77°14'54"W);

11) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Wilson Creek (CWF) (Antrim, PA Quadrangle 41°42'04"N 77°17'18"W);

12) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°42'27"N 77°16'08"W);

13) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°42'29"N 77°15'35"W);

14) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of Charleston Creek (WWF) (Antrim, PA Quadrangle 41°42'32"N 77°15'09"W);

15) a temporary road crossing using a mat bridge impacting 16 linear feet of an unnamed tributary to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°42'32"N 77°14'52"W);

16) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 25 linear feet of an unnamed tributary to Babb Creek (EV) (Cherry Flats, PA Quadrangle 41°43'05"N 77°14'12"W);

17) a temporary road crossing using mat bridge, impacting 16 linear feet of an unnamed tributary to Babb Creek (EV) (Cherry Flats, PA Quadrangle 41°43'27"N 77°13'50"W);

18) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Babb Creek (EV) (Cherry Flats, PA Quadrangle 41°43'36"N 77°14'08"W);

19) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Babb Creek (EV) (Cherry Flats, PA Quadrangle 41°43'48"N 77°13'59"W);

20) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Catlin Hollow (TSF) (Cherry Flats, PA Quadrangle 41°44'53"N 77°13'03"W);

21) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to Catlin Hollow (TSF) (Cherry Flats, PA Quadrangle 41°44'53"N 77°13'03"W);

22) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an



unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°41'51"N 77°21'58"W);

23) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 square feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°42'00"N 77°21'46"W);

24) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°42'08"N 77°21'37"W);

25) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 66 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°42'11"N 77°21'20"W);

26) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 50 linear feet of an unnamed tributary to East Branch Stony Fork (CWF) (Antrim, PA Quadrangle 41°42'55"N 77°20'51"W);

27) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 738 square feet of a palustrine emergent (PEM) wetland (Tiadoghton, PA Quadrangle 41°40'48"N 77°23'02"W);

28) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 967 square feet of a palustrine emergent (PEM) wetland (Tiadoghton, PA Quadrangle 41°40'52"N 77°22'56"W);

29) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 1,241 square feet of a palustrine emergent (PEM) wetland (Tiadoghton, PA Quadrangle 41°40'42"N 77°22'56"W);

30) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 1,046 square feet of a palustrine emergent (PEM) wetland (Tiadoghton, PA Quadrangle 41°40'40"N 77°22'51"W);

31) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 609 square feet of a palustrine emergent (PEM) wetland (Tiadoghton, PA Quadrangle 41°40'39"N 77°22'47"W);

32) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 4,821 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'39"N 77°22'06"W);

33) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 614 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'40"N 77°22'05"W);

34) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 6,053 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'42"N 77°21'44"W);

35) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 18,315

square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'42"N 77°21'40"W);

36) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 2,744 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'45"N 77°21'21"W);

37) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 7,515 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'37"N 77°20'33"W);

38) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,062 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'11"N 77°20'14"W);

39) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 36 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°41'07"N 77°20'01"W);

40) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 316 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'17"N 77°19'49"W);

41) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 474 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°41'21"N 77°19'44"W);

42) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 2,362 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'39"N 77°19'23"W);

43) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 2,728 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'43"N 77°19'15"W);

44) a temporary road crossings using mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 5,029 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°41'49"N 77°19'07"W);

45) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 3,354 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'50"N 77°19'05"W);

46) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 886 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'51"N 77°19'04"W);

47) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 16 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'52"N 77°19'04"W);

48) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines



and a 10 inch diameter water line impacting 316 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'53"N 77°19'01"W);

49) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 6,303 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'05"N 77°18'27"W);

50) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 320 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'06"N 77°18'11"W);

51) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 7,505 square feet of a palustrine forested / palustrine scrub-shrub (PFO/PSS) wetland (Antrim, PA Quadrangle 41°42'06"N 77°17'55"W);

52) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 6,498 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°42'04"N 77°17'18"W);

53) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 5,140 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'08"N 77°17'08"W);

54) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 1,786 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'06"N 77°17'06"W);

55) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 863 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'27"N 77°17'23"W);

56) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 1,250 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'29"N 77°15'36"W);

57) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 450 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'30"N 77°15'19"W);

58) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 4,034 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'30"N 77°15'17"W);

59) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 14,282 square feet of a palustrine scrub-shrub (PSS) wetland (Antrim, PA Quadrangle 41°42'32"N 77°15'15"W);

60) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 18,987 square feet of a palustrine scrub-shrub (PSS) wetland (Antrim, PA Quadrangle 41°42'32"N 77°15'09"W);

61) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 442 square feet of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'32"N 77°14'52"W);

62) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 1,578 square feet of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'47"N 77°14'14"W);

63) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 690 square feet of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'53"N 77°14'14"W);

64) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 1600 square feet of a palustrine forested (PFO) wetland (Cherry Flats, PA Quadrangle 41°43'06"N 77°14'12"W);

65) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 790 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Cherry Flats, PA Quadrangle 41°43'24"N 77°14'08"W);

66) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 6,655 square feet of a palustrine scrub-shrub (PSS) wetland (Cherry Flats, PA Quadrangle 41°43'36"N 77°14'08"W);

67) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 4,676 square feet of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°44'14"N 77°13'58"W);

68) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch diameter water line impacting 9,614 square feet of a palustrine emergent / palustrine forested (PEM/PFO) wetland (Cherry Flats, PA Quadrangle 41°44'51"N 77°13'05"W);

69) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,029 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°41'45"N 77°22'00"W);

70) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 426 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°41'44"N 77°21'43"W);

71) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,187 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'04"N 77°21'41"W);

72) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,505 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'05"N 77°21'40"W);

73) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 274 square feet of a

palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'05"N 77°21'40"W);

74) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 9,095 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'07"N 77°21'38"W);

75) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,239 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'08"N 77°21'35"W);

76) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,628 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'08"N 77°21'32"W);

77) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,516 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'07"N 77°21'26"W);

78) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 7,753 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°42'11"N 77°21'20"W);

79) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,403 square feet of a palustrine scrub-shrub (PSS) wetland (Antrim, PA Quadrangle 41°42'31"N 77°21'01"W);

80) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,251 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°42'48"N 77°20'48"W);

81) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,641 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°42'49"N 77°20'47"W);

82) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 4,300 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°42'52"N 77°20'49"W);

83) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 5,529 square feet of a palustrine emergent / palustrine scrub-shrub (PEM/PSS) wetland (Antrim, PA Quadrangle 41°42'49"N 77°20'46"W);

84) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,380 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'51"N 77°20'41"W);

85) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 1,459 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°42'53"N 77°20'38"W);

86) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 2,423 square feet of a

palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°42'59"N 77°20'32"W);

87) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 48 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°43'01"N 77°20'30"W);

88) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and a 10 inch diameter water line impacting 203 square feet of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°43'03"N 77°20'28"W);

The project will result in 1,117 linear feet of temporary stream impacts, a total of 190,587 square feet (4.4 acres) of temporary wetland impacts, and 28,900 square feet (0.66 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D28-127EA. Cove Valley Youth Camp**, 5357 Little Cove Road, Mercersburg, PA 17236, Warren Township, **Franklin County**, ACOE Baltimore District. Project proposes to breach and remove Cove Valley Christian Camp Dam across Little Cove Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 200 feet of stream channel. The dam is located adjacent to S.R. 456 approximately one mile north of the intersection of SR456 and Ward Drive (T306) (Mercersburg, PA Quadrangle; Latitude: 39° 59' 26", Longitude: -77° 58' 10").

**EA21-004CO. Pennsylvania Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Upper Mifflin Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a wetland/waterfowl habitat project on State Game Lands 169. Project will impact 0.42-acre of existing PEM wetland and 265 lineal feet of unnamed tributary to Conodoguinet Creek (WWF). The project proposes creation of 2.69-acre of PEM wetland and 0.84-acre of open-water habitat. The project is located approximately 2000 feet southeast of the intersection of Meyers Road and Gameland Road (Newville, PA Quadrangle; Latitude: 40°10'24"; Longitude: -77°29'05").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.*

**D65-011. Municipal Authority of the Borough of Derry**. 620 North Chestnut Street, Derry, PA 15627. To operate and maintain Upper Ridge Dam across McGee Run, for the purpose of operating and maintaining a water supply dam. (Derry, PA Quadrangle N: 13.75 inches; W: 12.5 inches) in Derry Township, **Westmoreland County**.

**D65-012. Municipal Authority of the Borough of Derry**. 620 North Chestnut Street, Derry, PA 15627. To operate and maintain Lower Ridge Dam across McGee Run, for the purpose of operating and maintaining a water supply dam. (Derry, PA Quadrangle N: 13.85 inches; W: 12.2 inches) in Derry Township, **Westmoreland County**.

**D65-013. Municipal Authority of the Borough of Derry.** 620 North Chestnut Street, Derry PA 15627. To operate and maintain Ethel Springs across an Unamed Tributary to McGee Run, for the purpose of operating and maintaining a water supply dam. (Derry, PA Quadrangle N: 16.1 inches; W: 9.45 inches) in Derry Borough, **Westmoreland County**.

**STORAGE TANKS  
SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks,

PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11016	Champion Technologies, Inc. 3200 Southwest Freeway Suite 2700 Houston, TX 77027 Attn: Paula Dollar	Lycoming	Hughesville Borough	9 ASTs storing hazardous substances	58,500 gallons total

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN  
WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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



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

### I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0063304 (Industrial Waste)	Municipal Authority of the Township of Blythe 375 Valley Street New Philadelphia, PA 17959	Schuylkill County Cass Township	West Creek (03A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0114766 (Sewage)	Behavioral Specialists, Inc. 184 E Village Drive Williamsport, PA 17702	Lycoming County Susquehanna Township	Bender Run (10-A)	Y
PA0114758 (Sewage)	Bucknell View MHP Route 405 Milton, PA 17847	Northumberland County West Chillisquaque Township	West Branch Susquehanna River (10-C)	Y
PA0033316 (Sewage)	Pinecrest Village MHP 170 Pinecrest Drive Williamsport, PA 17701-9730	Lycoming County Eldred Township	Unnamed Tributary of Millers Run (10-B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0104086	Mercer Forge Corporation P. O. Box 272 Mercer, PA 16137	Mercer County Mercer Borough	Unnamed tributary to Otter Creek 20-A	Y
PA0032465	PA DCNR Cook Forest State Park P. O. Box 120 Cooksburg, PA 16217-0120	Forest County Barnett Township	Clarion River 17-B	Y
PA0031305	Summit Academy 839 Herman Road Herman, PA 16039	Butler County Summit Township	Unnamed tributary to Bonnie Brook 20-C	Y
PA0223115 (Industrial Waste)	Comor Plastic Molding 23697 US Highway 322 Cochranton, PA 16314-0241	Crawford County East Fairfield Township	Unnamed tributary to French Creek 16-D	Y

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

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

**NPDES Permit No. PA0053651, Johnson Matthey Inc.**, 1401 King Road, West Chester, PA 19380-1467, West Whiteland Township, **Chester County**.

The following notice reflects changes to the notice published in the June 18, 2011, *Pennsylvania Bulletin*:

The monitoring requirements for parameters 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, and Tetrachloroethylene are eliminated from the permit based on the non-detectable levels in the effluent.

**NPDES Permit No. PA0012432**, Industrial Waste, **Sunny Dell Foods**, 135 North 5th Street, Oxford, PA 19363-1507.

This proposed facility is located in Oxford Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.05 mgd of non-contact cooling water from a facility known as Sunny Dell Foods, Inc., to an Unnamed Tributary to West Branch Big Elk Creek in Watershed 7K.

**NPDES Permit No. PA0057789 Amendment No. 1**, Sewage, **BPG Office VI River Park II, L.P.**, 322 A Street, Suite 300, Wilmington, DE 19801.

This proposed facility is located in Whitmarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for an amendment of an NPDES permit to change the reference to the sampling location for Outfall 001 from a facility known as River Park STP to the Schuylkill River via Manor Creek in Watershed 3-F.



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

**NPDES Permit No. PA0026921-A1**, Sewage, SIC Code 4952, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Hazleton, PA 18201-0651.

This existing facility is located in the Borough of West Hazleton, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an amended NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0002135**, Industrial Waste, **Amendment No. 1, Calumet Penreco, LLC**, 138 Petrolia Street, Karns City, PA 16041-9222.

This existing facility is located in Karns City Borough, **Butler County**.

Description of Proposed Action/Activity: Issuance of an amendment of an NPDES permit for an existing discharge of treated industrial waste, treated stormwater, and untreated stormwater. The Whole Effluent Toxicity Testing (WETT) special condition was removed in this amendment.

**PA0026697**, Sewage, SIC Code 4952, **Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001-3256. Facility Name: Butler Area STP. This existing facility is located in Butler City, **Butler County**.

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

The receiving stream(s), Connoquenessing Creek (Outfall 001) and Butcher Run (Outfalls 005, 011-014), are located in State Water Plan watershed 20-C and are classified for warm water fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies. The proposed effluent limits for Outfall 001 are based on a design flow of 10 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</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	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.33	XXX	1.1
CBOD <sub>5</sub>						
May 1 - Oct 31	1001	1501	XXX	12	18	24
Nov 1 - Apr 30	2001	3002	XXX	24	36	48
Total Suspended Solids	2502	3753	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	167	XXX	XXX	2	XXX	4
Nov 1 - Apr 30	459	XXX	XXX	5.5	XXX	11
Total Phosphorus	167	XXX	XXX	2	XXX	4

The proposed effluent limits for Outfall 005 are based on a design flow of 10 MGD.

This outfall is for emergency use only. Any discharge from this outfall shall meet the same effluent limitations and monitoring requirements imposed on Outfall 001.

The proposed effluent limits for Outfalls 011-014 are based on a design flow of N/A MGD.

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

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

- Supersede previous WQM permit effluent limitations
- Continuation of a Federal Pretreatment Program
- TRC Minimization
- WET testing for the permit renewal
- Stormwater Best Management Practices
- SSO Condition
- eDMR reporting requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

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


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

**WQM Permit No. WQG018809**, Sewage, **Jeffrey J. Esper**, 18 Meadville Road, Union City, PA 16438.

This existing facility is located in Union City Borough, **Erie County**.

Description of Proposed Action/Activity: Replacement of a malfunctioning onlot Single Residence Sewage Treatment Plant.

**WQM Permit No. 1097402**, Sewage, **Amendment 1, Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066.

This existing facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Permit to upgrade an existing Sewage Treatment Facility to re-rate the organic design capacity of the entire plant.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAi01 151118	Marlboro Mushroom 200 Clonmell Upland Road West Grove, PA 19390	Chester	West Marlborough Township	Unnamed Tributary Doe Run (TSF); Unnamed Tributary East Branch White Clay Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204004R	Nemanie Village Inc. P. O. Box 77 Hawley, PA 18428	Pike	Palmyra Township	Wallenpaupack Creek, HQ-CWF, MF
PAI021311003	Jim Thorpe Area School District 410 Center Avenue Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Silkmill Run, EV

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

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044111002	Noah N. Martin 1821 State Route 184 Trout Run, PA 17771	Lycoming	Cogan House Township	Wolf Run EV

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


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

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


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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAG0200 0903046-4	Keystone Turf Club & Bensalem Racing Association, DBA Philadelphia Park 3001 Street Road Bensalem, PA 19020-2006	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Bradford and East Caln Township Chester County	PAG0200 1511015	PA Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	East Branch Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sadsbury Township Chester County	PAR10- G475-RA-1	AIM Development Company 204 Bentley Drive Coatesville, PA 19320 and Sikorsky Global Helicopters 110 East Stewart Huston Drive Coatesville, PA 19320	Bucks Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2310021	Eastern University 1300 Eagle Road Saint Davids, PA 19087	Gulph Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG0200 4610082	Arcadia University 454 S Easton Road Glenside, PA 19038	Unnamed Tributary Taconey Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4606175-1	Colonial School District 201 Germantown Pike Plymouth Meeting, PA 19462	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4610068	Montgomery Township 1101 Stump Road Montgomeryville, PA 18936	Park Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4610053	Venezia Enterprises, Inc. PO Box 909, 86 Airport Road Royersford, PA 19468	Possum Hollow Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAG0200 4611018	PJM Interconnections, LLC 955 Jefferson Avenue Norristown, PA 19403	Delaware River Basin/Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatboro Borough Montgomery County	PAG0200 4611032	Michael P. Walen, Jr. 3971 Mann Road Huntingdon Valley, PA 19006	Tributary Pennypack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Douglass Township Montgomery County	PAG0200 4610074	Graterford Road Properties, LP 2241 Hill Road Perkiomenville, PA 18074	Little Oley Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511039	US General Services Administration 5000 Wissahickon Avenue Philadelphia, PA 19144-4867	Non-Tidal Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Scranton, Lackawanna Co.	PAG02003511005	Johnson College Donald Ryan 3427 N. Main Ave. Scranton, PA 18508	Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Bern Township Berks County	PARC337R(1)	Rick Shipe, Pres Wingco Dev Corp RD 2 Box 2000 Bldg A-1 Reading, PA 19605	Seifert Run (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Longswamp Township Berks County	PAG02000606047R	Frederick Fenstermacher 43 Smoketown Road Mertztown, PA 19539	Sacony Creek (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Spring Township Berks County	PAG0200061106(1)	O'Donohue, James M. Covenant Orthodox Presbyterian Church 1502 Snyder Street Reading, PA 19601	Cacoosing Creek (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Wernersville Borough Berks County	PAG02000610032	Wernersville Properties, LP 59 Hopewell Road Elverson, PA 19520	Little Cacoosing/ Tulpehocken (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Lower Heidelberg Township Berks County	PAG02000611031	Leibman, Leonard 165 N Fairwood Avenue Sinking Spring, PA 19608	Cacoosing Creek (CWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Spring Township Berks County	PAG02000611019	St. Amour, Marc A. Sunoco Partners Marketing & Terminals, L.P. Sunoco Partners Marketing & Terminals, L.P. Sinking Spring, PA 19608	Tulpehocken Creek (CWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Douglass Township Berks County	PAG-02-0006-10-038	Folino, Marco Folino & Sons 68 S. Hampton Drive Wyomissing, PA 19610	UNT Manatawny Creek (CWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142



*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Annville Township, Lebanon County	PAG02003811010	Kyle L. Smith Township of Annville P. O. Box 178 Annville, PA 17003	Quittapahilla Creek/ TSF & MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Heidelberg Township, Lebanon County	PAG02003811011	Nelson Sensenig 311 Albright Road Newmanstown, PA 17073	UNT Mill Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Charleston Township Tioga County	PAG2005911010	Edward Fidurko Dirt Excavating, Inc 1067 Lafferty Ln Bradford, PA 16701	UNT to N Elk Run CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5
Charleston Township Tioga County	PAG2005911011	William H Richner 1084 Lake Rd Wellsboro PA 16901	UNT to Catlin Hollow Creek	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5
City of Erie Erie County	PAG02 0025 11 020	Dave Hallman 2112 State Street Erie PA 16501	Lake Erie WWF	Erie Conservation District 814-825-6403
Clarion Township Clarion County	PAG-02 101611001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Brush Run to Piney Creek & UNT to Little Piney Creek to Piney Creek (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-7924

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Pottstown Borough Montgomery County	PAR600033	Mayer Pollock Steel Corp Keim Street & Industrial Boulevard Pottstown, PA 19464	Schuylkill River - 3D	Southeast Region Water Management 484.250.5970
Upper Merion Township Montgomery County	PAR800129	Rolling Frito-Lay Sales, LP 260 Hansen Access Road King of Prussia, PA 19406	Unnamed Tributary to Crow Creek - 3F	Southeast Region Water Management 484.250.5970
London Grove Township Chester County	PAR500001	Southeastern Chester County Refuse Authority P O Box 221 Kennett Square, PA 19348	Unnamed Tributary to East Branch White Clay Creek - 3-I	Southeast Region Water Management 484.250.5970
Newtown Township Bucks County	PAR800144	First Student Inc. c/o Strata Environmental 110 Perimeter Park, Suite E Knoxville, TN 37922	Newtown Creek - 2F	Southeast Region Water Management 484.250.5970

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Merion Township Montgomery County	PAR130008	Philadelphia Media Network (Conshohocken) LLC 800 River Road Conshohocken, PA 19428	Matsunk Creek and UNT Schuylkill River /WWF 3F	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR600115	Kuusakoski Philadelphia, LLC 3150 Orthodox Street Philadelphia, PA 19137	Delaware River - 3J	Southeast Region Water Management 484.250.5970
Adams County / Mount Pleasant Township	PAR213561	Hanover Architectural Products 5000 Hanover Road Hanover, PA 17331	South Branch Chickies Creek / WWF / 7-F	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County / Caernarvon Township	PAR803504	Morgan Truck Body, LLC dba Morgan Corporation PO Box 588 Morgantown, PA 19543	East Branch Conestoga Creek / WWF / 7-J	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County / New Morgan Borough	PAR803696	Morgan Truck Body, LLC dba Morgan Corporation PO Box 588 Morgantown, PA 19543	East Branch Conestoga River / WWF / 7-J	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Perry Township Snyder County	PAR224855	A & L Wood Inc. 3418 Red Bank Road Mt. Pleasant Mills, PA 17853	North Branch Mahantango Creek and Unnamed Tributary to North Branch Mahantango Creek—6-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Le Raysville Borough Bradford County	PAR214831	Johnson Quarries, Inc. P. O. Box 136 Le Raysville, PA 18829	Rockwell Creek—4-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Brookville Borough Jefferson County	PAR808390	Schlumberger Technology Corp. 147 Industrial Parkway Brookville, PA 15825	Millcreek 17-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Union City Borough Erie County	PAG041044	Jeffrey J. Esper 18 Meadville Road Union City, PA 16438	Unnamed tributary of South Branch French Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Summit Township Butler County	PAG041050	Marcell Ervig 328 Freeport Road Butler, PA 16002	Unnamed tributary of Coal Run 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
City of Wilmington, DE WWTP East 12th St. & Hay Rd. Wilmington, DE 19809	PAG08-9910	New England Waste Services of ME 135 Presumpscot St, Unit 1 Portland, ME 04103	City of Wilmington, DE WWTP East 12th St. & Hay Rd. Wilmington, DE 19809	Dennis Wilson (717) 772-5929

*General Permit Type—PAG-8 (SSN)*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Burnside and Snowshoe Townships, Centre County	PAG 08 9908	Kyler Environmental Services 1269 Piedmont Road Somerset, PA 15501	Litke Tract (SGL100) Burnside and Snowshoe Townships Centre County	NCRO 570-327-0526

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Operations Permit 2311505** issued to: **Chester Water Authority**, 415 Welsh Street, P. O. Box 467, Chester, PA 19016

PWSID#1230004 Little Britain Township, **Chester County**, on June 21, 2011, for operation of Facilities

approved under construction permit 2310505 for an Alum Feed System and Storage, Little Britain Township, Chester County.

**Operations Permit 4611519** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster, Bryn Mawr, PA 19010

PWSID#1460073 Abington Township, Montgomery on June 11, 2011, for operation of Facilities approved under construction permit 4610513 for Hillside Tank Rechlorination Facility, Abington Township Montgomery County.

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

**Permit No. 0611503 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Mohrsville Water Association</b>
Municipality	Centre Township
County	<b>Berks</b>
Responsible Official	Warren Adam, President PO Box 1 Mohrsville, PA 19541-8840
Type of Facility	Storage tank repainting and minor repairs. Demonstration of 4-log treatment of viruses.
Consulting Engineer	Darryl A Jenkins, P.E. Great Valley Consultants 75 Commerce Drive Wyomissing, PA 19610
Permit to Construct Issued:	7/11/2011

**Permit No. 0611512 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>United Mobile Homes, Inc.</b>
Municipality	Greenwich Township
County	<b>Berks</b>
Responsible Official	Jeffrey V Yorick, Professional Engineer 1275 Foreman Drive Morgantown, WV 26508

Type of Facility Demonstration of 4-log treatment of viruses. Installation of 120' of 24" diameter contact pipe at Entry Point 102.

Consulting Engineer Karen C. Pollock, P.E. Systems Design Engineering  
1032 James Drive  
Lessport, PA 19533

Permit to Construct Issued: 7/11/2011

**Permit No. 0111504**, Public Water Supply.

Applicant **Littlestown Borough Authority**

Municipality Littlestown Boro & Twp., Germany Twp.

County **Adams**

Responsible Official Karen Louey, Chairwomen  
10 South Queen Street  
Littlestown, PA 17340

Type of Facility Construction of new treatment buildings, including disinfection facilities and contact piping at Entry Points (EP) 101 and 102. Construction of a new building and replacement of the disinfection equipment at EP 104.

Consulting Engineer Joshua T. Fox, P.E.  
Herbert, Rowland & Grubic, Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Permit to Construct Issued: 7/15/2011

**Permit No. 2111503 MA, Minor Amendment**, Public Water Supply.

Applicant **Cumberland Valley School District (Monroe Elementary)**

Municipality Monroe Township

County **Cumberland**

Responsible Official Keith E. Shanahan, Operator  
6746 Carlisle Pike  
Mechanicsburg, PA 17050

Type of Facility Chlorine contact tank installation. 4-log treatment of viruses.

Consulting Engineer Janet R McNally, P.E. William F. Hill & Assoc., Inc.  
207 Baltimore St.  
Gettysburg, PA 17325

Permit to Construct Issued: 7/20/2011

**Permit No. 3611520**, Public Water Supply.

Applicant **Oak Lane Mennonite School**

Municipality Penn Township

County **Lancaster**

Responsible Official Dale L. Zimmerman, Chairman  
1327 E. Meadow Road  
Manheim, PA 17545

Type of Facility Anion Exchange for Nitrate Treatment

Consulting Engineer Jack L. McSherry III, P.E.  
Jack L. McSherry Inc.  
150 Indian Hill Road  
Conestoga, PA 17516

Permit to Construct Issued: 8/1/2011

**Operations Permit issued to: Hillandale Gettysburg**, 7011005, Tyrone Township, **Adams County** on 7/7/2009 for the operation of facilities approved under Construction Permit No. 0108515.

**Operations Permit issued to: Blair Township Water & Sewer Authority**, 4070011, Blair Township, **Blair County** on 7/12/2011 for the operation of facilities approved under Construction Permit No. 0709502 MA.

**Operations Permit issued to: Black Rock Retreat Association**, 7360965, Colerain Township, **Lancaster County** on 7/13/2011 for the operation of facilities approved under Construction Permit No. 3609515.

**Operations Permit issued to: Pizza Star III**, 7280858, Metal Township, **Franklin County** on 7/22/2011 for the operation of facilities approved under Construction Permit No. 2810506 MA.

**Operations Permit issued to: Borough of Boyertown**, 3060081, Earl Township, **Berks County** on 7/14/2011 for the operation of facilities approved under Construction Permit No. 0610533 MA.

**Operations Permit issued to: Borough of Boyertown**, 3060081, Earl Township, **Berks County** on 7/14/2011 for the operation of facilities approved under Construction Permit No. 0611502 MA.

**Operations Permit issued to: Mount Joy Township Authority**, 7360186, Mount Joy Township, **Lancaster County** on 7/22/2011 for the operation of facilities approved under Construction Permit No. 3611511 MA.

**Operations Permit issued to: Village Square Condominiums**, 7500009, Carroll Township, **Perry County** on 7/22/2011 for the operation of facilities submitted under Application No. 5011503 MA.

**Operations Permit issued to: Adams County Facilities Center**, 7010056, Straban Township, **Adams County** on 8/1/2011 for the operation of facilities submitted under Application No. 0111508 MA.

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

**Permit No. 0807502**—Operation Public Water Supply.

Applicant **Mobile Acres Mobile Home Park**

[Township or Borough] Ridgebury Township

County **Bradford**

Responsible Official Mr. Paul Trent  
Mobile Acres Mobile Home Park  
44 Windswept Road  
Elmira, NY 14901

Type of Facility Public Water Supply



Consulting Engineer James Baker, Jr.  
Larson Design Group  
1 West Market Street  
3rd Floor Suite 401  
Corning, NY 14830

Application Received June 27, 2011

Description of Action Operation of the new Well Nos. 1 and 2 pumps and booster pumps, two 5,500 gallon finished water storage tanks and a cartridge filtration plant.

**Permit No. Minor Amendment**—Construction Public Water Supply.

Applicant **College Township Water Authority**

[Township or Borough] College Township

County **Centre**

Responsible Official Mr. Martin McGann  
College Township  
Water Authority  
1481 East College Avenue  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Robert Weir, P.E.  
Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

Application Received June 29, 2011

Description of Action Replacement of the floating cover and liner on the Dale Street Reservoir and installation of a mixing system.

**Permit No. Minor Amendment**—Construction Public Water Supply.

Applicant **American Tempo Village Park**

[Township or Borough] Lycoming Township

County **Lycoming**

Responsible Official Jeff Stout, Vice President  
American Tempo Village Park  
528 Reuben Kehrner Road  
Muncy, PA 17756

Type of Facility Public Water Supply

Consulting Engineer Britt Duane Bassett, P.E.  
Bassett Engineering  
1440 Broad Street  
Montoursville, PA 17754

Application Received June 29, 2011

Description of Action Installation of four 1,000 gallon water storage tanks to replace four existing 325-gallon water storage tanks.

**Permit No. Minor Amendment**—Operation Public Water Supply.

Applicant **State College Borough Water Authority**

[Township or Borough] Patton Township

County **Centre**

Responsible Official Max G. Gill, Executive Director  
State College Borough  
Water Authority  
1201 West Branch Road  
State College, PA 16801

Type of Facility Public Water Supply

Consulting Engineer Mark V. Glenn, P.E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Drive  
Altoona, PA 16602

Application Received June 29, 2011

Description of Action Operation of Tank #4 which was repaired and repainted.

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

**Permit No. 3010502MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
PO Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

[Borough or Township] Richhill Township

County **Greene**

Type of Facility SR21 waterline

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Permit to Construct Issued July 28, 2011

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

**Operations Permit** issued to: **Mt. Jewett Borough Authority**, 6420018 Borough of Mt. Jewett, **McKean County** on August 1, 2011 for the operation of facilities approved under construction permit 8444W-T-MA2 for the change of gaseous chlorination to liquid chlorination. This permit is issued in response to an operation inspection conducted by Department personnel on July 29, 2011 and in accordance with construction permit 8444W-T-MA2 issued July 13, 2011.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Edgmont Township	100 Gradyville Road, P. O. Box 267, Gradyville, PA 19039	Delaware

*Plan Description:* On July 19, 2011, the Southeast Regional Office approved Edgmont Township's Act 537 Plan Update. The Update provides for the following:

The Township's Crum Creek District Special Study (2009 Special Study) received Department approval on

February 6, 2009. Key elements of that plan, such as the Township's membership in the Central Delaware County Authority (CDCA), CDCA's commitment to construct improvements to its Crum Creek Interceptor and the Township's commitment to have the Delaware County Regional Authority (DELCORA) construct the sewer infrastructure necessary for the plan's implementation have not changed.

Changes to the 2009 Special Study include the differentiation of District C1 from District C, the consideration of District F for future sanitary sewer service and changes to the collection and conveyance alternatives for Districts A-E.

District A is located on West Chester Pike at the Crum Creek crossing. It contains a movie theater and other commercial uses. The proposed flow from District A is 26,250 gallons of sewage per day (gpd), or 100 Equivalent Dwelling Units (EDUs). District A will be served by a gravity collection system, which is tributary to the gravity interceptor proposed along Crum Creek. The existing pump stations in District A will be phased out.

District B is located on the north and south sides of West Chester Pike, east of Providence Road. It contains residential, retail, and commercial uses. The proposed flow from District B is 42,525 gpd (162 EDUs). District B will be served by a gravity collection system, which is tributary to the proposed gravity interceptor. Two existing community on-lot sewage disposal systems will be decommissioned and connected to the proposed gravity system.

District C is located on West Chester Pike, west of Providence Road. The proposed flow from District C is 3,938 gpd (15 EDUs). It will be served by a gravity collection system which is tributary to the proposed gravity interceptor.

District C1 is located west of Providence Road and contains retail, commercial and residential units. The proposed flow from District C1 is 27,563 gpd (105 EDUs). District C1 will be served by a gravity collection system that is tributary to a proposed pumping station. The proposed pumping station is tributary to the proposed gravity interceptor.

District D is located on the south side of West Chester Pike, near Crum Creek. It contains 65 single-family dwellings. The proposed flow from District D is 17,063 gpd (65 EDUs). It will be served by a low pressure collection system which will convey flow to the proposed gravity interceptor.

District E is bounded by West Chester Pike to the north, Providence Road to the west, Upper Providence Township to the south and Crum Creek to the east. It contains approximately 551 dwellings. The proposed flow from District E is 232,838 gpd (887 EDUs). District E will be served as follows: 150 EDUs in District E are tributary to EPS-1; 675 EDUs in District E are directly tributary to EPS-2; and 62 EDUs in District E are tributary to EPS-3. Three large volume sewage disposal systems will be decommissioned and connected to the proposed sewerage facilities. The existing Runnymede pump stations will be phased out.

District F is located along West Chester Pike, west of Ridley Creek State Park and contains 185 acres. District F is being included in the Central Delaware County Authority (CDCA) sewer service area; however, no capacity has been allocated to District F at this time. It is estimated that this district may require approximately 70,000 gpd of capacity in the future. Additional sewerage

facilities planning is required if the Township wishes to allocate any flow to District F.

Planning approval is granted for a new gravity interceptor, which will be constructed approximately parallel to Crum Creek from the northeast corner of the intersection of West Chester Pike and North Crum Creek Road to a proposed pump station (EPS-1). The interceptor will have average design flows of 117,338 gpd.

Planning approval is granted for a sewage pump station and a force main, which will convey sewage flows from District C1 east on West Chester Pike to the proposed gravity sewer line at the intersection of Providence Road and West Chester Pike. The pumping station will be located on the south side of West Chester Pike, between North Sandy Flash Drive and Edgmont Country Club, and will have average design flows of 27,563 gpd.

Planning approval is granted for a sewage pump station and a force main, which will convey sewage flows from Districts A, B, C, C1, D, and 417 EDUs from District E along Charter Oak Drive and Langton Lane to Pump Station EPS-2. The pump station will be located east of the intersection of Bridle Way and Saddle Run, near Crum Creek, and will have average design flows of 226,801 gpd.

Planning approval is granted for a sewage pump station and a force main, which will convey sewage flows from the entire CDCA service area along Runnymede Drive to Gradyville Road, northeast on Gradyville Road and south on Newtown Street Road to its connection with the CDCA interceptor. Newtown Township has granted permission to Edgmont Township to construct sewer lines in Newtown via Resolution No. 2011-03. The pumping station will be located south/southeast of Langton Lane and will have average design flows of 350,000 gallons per day.

Planning approval is granted for a sewage pump station and a force main, which will convey sewage flows from the portion of District E located south of Gradyville Road to the gravity sewers located in District E. The pump station will be located on the southeast side of Gradyville Road, northeast of Dream Valley Drive and will have average design flows of 16,275 gpd.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Norwich Twp.	3853 West Valley Road Smethport, PA 16749	McKean

*Plan Description:* The approved plan provides for the approved plan provides for the construction of approximately 1400 linear feet of small diameter low-pressure sewers with individual grinder pumps to serve 23 EDUs, which will be from connections of 35 seasonal and full time residences. The proposed area includes sections of Christian Hollow Road, from the end of the existing collection line, which is approximately 1.25 miles southeast of the intersection of Christian Hollow Road and White Hollow Road and continuing southeast for approximately 1.4 miles. In addition, sections of Robbins Brook Road, from the existing pump station on West Valley Road and continuing west for approximately 0.78 miles, and Kandare Camp Lane from the existing force main (FM) on West Valley Road and continuing west for approximately 0.666 miles will be sewer. Treatment will be at the newly constructed Norwich Township

wastewater treatment plant, The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dublin Township	1366 Cole Road Hustontown, PA 17229	Fulton County

*Plan Description:* The approved plan provides for the extension of sanitary sewer collection service to the Burnt Cabins area of the township to serve 3 existing homes with malfunctioning on lot sewage systems. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Richmond Twp.	11 Kehl Drive Fleetwood, PA 19522	Berks County

*Plan Description:* The approved plan provides for a proposed one lot residential on-lot system repair to generate a total of 500 gallons of sewage per day to be served by an Orenco Advantex system that will discharge to an unnamed tributary of Maiden Creek. The proposed development is located on Seiger Rd., Richmond Township, Berks County. The plan revision DEP number is A3-06953-107-3S. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fairview Township	599 Lewisberry Road, New Cumberland, PA 17070	York

*Plan Description:* The approved plan provides for the adoption and implementation of an on-lot disposal system (OLDS) management ordinance to address all OLDS in the municipality. The plan also provides for sewer extensions to serve the Fairview Farms and Timber Ridge areas of the Township and includes the Meadowbrook Mobile Home Park in the Fairview Farms sewer service area. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Littlestown Borough	10 South Queen St., Littlestown, PA 17340	Adams

*Plan Description:* The approved plan provides for the an upgrade of the existing 1.0 MGD annual average flow Littlestown Borough sewage treatment plant to meet the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2**

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

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

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



**Schaffer Property**, 1455 Pennsylvania Avenue, Emmaus Borough, **Lehigh County**. Douglas Sammak, American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18031 has submitted a Final Report (on behalf of his clients, Charles H. and Christine Schaffer, 1455 Pennsylvania Avenue, Emmaus, PA 18049), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an outdoor aboveground storage tank that was caused by an act of vandalism. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Morning Call* on July 16, 2011.

**Pennsylvania Extruded Tube Company (PEXCO)**, 982 Griffin Pond Road, Scott Township and South Abington Township, **Lackawanna County**. Erin Palko, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 has submitted a Final Report (on behalf of her client, Pennsylvania Extruded Tube Company, P. O. Box 1280, Scranton, PA 18510), concerning the remediation of soil found to have been impacted by lubricating oils/fluids. The report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report is expected to be published in *The Abington Times* on August 3, 2011.

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

**Utz Quality Foods**, 861 Carlisle Street, Hanover Borough, **York County**. GEI Consultants 18000 Horizon Way, Mount Laurel, NJ 08054, on behalf of Utz Quality Foods, 900 High Street, Hanover, PA 17331, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline from unregulated underground storage tanks. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Thomas Anderson Residence / Leffler Energy, Inc.**, 15271 Barrens Road, Stewartstown, Hopewell Township, **York County**. Patriot Environmental Management, LLC, PO Box 629, Douglassville, PA 19518, on behalf of Thomas Anderson, 15271 Barrens Road, Stewartstown, PA 17363 and Leffler Energy, Incorporated, 15 Mount Joy Road, PO Box 302, Mount Joy, PA 17552, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released from a ruptured aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

333 South Queen Street/Churchtown, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions 480 New Holland Avenue, Suite 8203 Lancaster, PA 17602, on behalf of the Redevelopment Authority of the City of Lancaster, 120 N. Duke Street, Lancaster, PA 17602, submitted a Remedial Investigation, Risk Assessment, and Final Report concerning remediation of site soils contaminated with lead and arsenic. The reports are intended to document remediation of the site to meet the Site Specific Standard. This corrects the notice that was published in the *Pennsylvania Bulletin* May 28, 2011, which indicated an incorrect property owner.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Larry Moore Property**, 148 Main Street, North Manheim Township, **Schuylkill County**. Bridget E. Shadler and Katlyn E. Heberlig, Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203,



Lancaster, PA 17602 submitted a Final Report (on behalf of their client, Lawrence Moore, 18 Overlook Drive, Pottsville, PA 17901), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 19, 2011.

**Former Greener Property**, 1733 Brandywine Road, South Whitehall Township, **Lehigh County**. Richard Trimpi and Janine Jacobs, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of their client, Reza S. Imrani, 1733 Brandywine Road, Allentown, PA 18104), concerning the remediation of soil and groundwater found to have been impacted by No 2 fuel oil as a result of a release from a 275-gallon underground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on July 25, 2011.

**Schaffer Property**, 1455 Pennsylvania Avenue, Emmaus Borough, **Lehigh County**. Douglas Sammak, American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18031 submitted a Final Report (on behalf of his clients, Charles H. and Christine Schaffer, 1455 Pennsylvania Avenue, Emmaus, PA 18049), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an outdoor aboveground storage tank that was caused by an act of vandalism. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 27, 2011.

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

**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 approved on July 29, 2011.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Hazardous Waste Transporter License Issued*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**Steve Kent Trucking, Inc.**, P. O. Box 148, Lottie, LA 70756. License No. PA-AH 0784. Effective June 21, 2011.

**C & C Marine Maintenance Company**, 2567 Congo Arroyo Road, Newell, WV 26050. License No. PA-AH 0786. Effective June 21, 2011.

**Predator Trucking Company**, P. O. Box 315, Mcdonald, OH 44437. License No. PA-AH 0787. Effective June 21, 2011.

*Hazardous Waste Transporter License Renewed*

**Fred Pugliese, DBA Plainfield Motor Services**, One Genstar, Joliet, IL 60435. License No. PA-AH 0573. Effective June 16, 2011.

**Beelman Turck Company**, 1 Racehorse Drive, East St. Louis, IL 62205. License No. PA-AH 0363. Effective June 21, 2011.

**United Environmental Group, Inc.**, 241 Mcaleer Road, Sewickley, PA 15143. License No. PA-AH 0431. Effective June 22, 2011.

**PSC Industrial Outsourcing**, P. O. Box 368, Neehah, WI 54957-0368. License No. PA-AH 0395. Effective June 29, 2011.

**Clean Venture, Inc.**, 201 South First Street, Elizabeth, NJ 07206. License No. PA-AH 0299. Effective July 1, 2011.

**Waste Recovery Solutions, Inc.**, 343 King Street, Myerstown, PA 17067. License No. PA-AH 0683. Effective July 8, 2011.

**Quality Carriers, Inc.**, 211 Welsh Pool Road, Suite 100, Exton, PA 19341. License No. PA-AH 0630. Effective July 12, 2011.

**First Piedmont Hauling, Inc.**, P.O. Box 1069, Chatham, VA 24531. License No. PA-AH S212. Effective July 22, 2011.

*Hazardous Waste Transporter License Voluntarily Terminated*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**The Tauro Brothers Trucking Company**, 1775 North State Street, Girard, OH 44420. License No. PA-AH 0750. Effective July 1, 2011.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024-1216. License No. PA-HC 0015. Effective June 21, 2011.

**Secured Med Waste, LLC.**, 3113 Lauren Hill Drive, Finksburg, MD 21048. License No. PA-HC 0241. Effective June 27, 2011.

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Effective July 18, 2011.

**York Hospital**, 1001 South George Street, York, PA 17405. License No. PA-HC 0017. Effective July 19, 2011.

**Citiwaste, LLC.**, 100-02 Farragut Road, Brooklyn, NY 11236. License No. PA-HC 0243. Effective July 26, 2011.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit Application No. 301358. Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. A new residual waste permit for an existing disposal facility was issued by the Northcentral Regional Office on July 28, 2011. Permit No. 101649 for the previous C/D site was revoked upon issuance of the residual waste permit.

**Permit Application No. 301626. White Pines Corporation**, 515 State Route 442, Millville, PA 17846. Pine Township, **Columbia County**. A permit for increased daily maximum and average volume received was issued by Northcentral Regional Office on July 27, 2011.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. 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.**

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

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

**GP3-08-330C: TMT Gravel & Contracting, Inc.** (1609 Pennsylvania Avenue, Pine City, NY 14871) on July 25, 2011, to construct and operate a 2010 vintage Pegson model XH500 portable crushing plant, a 2003 vintage Eagle model 1200 portable crushing plant and a 2009 vintage Terex Powerscreen Chieftain 2100 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their site in Wells Township, **Bradford County**.

**GP9-08-330C: TMT Gravel & Contracting, Inc.** (1609 Pennsylvania Avenue, Pine City, NY 14871) on July 25, 2011, to construct and operate a 2010 vintage 400 brake-horsepower Caterpillar model 7CPXL12.5ESK diesel engine, a 2003 vintage 325 brake-horsepower Deere model 4JDXL12.5035 diesel engine and a 2007 vintage 100 brake-horsepower Deutz model BF4M2012 diesel engine under the General Plan Approval and/or General Operating Permit for Diesel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) at their site in Wells Township, **Bradford County**.

**GP3-41-634A: E&J Construction, LLC** (1842 Masten Road, Canton, PA 17724) on July 26, 2011, to construct and operate a portable non-metallic mineral McCloskey

model C50 portable jaw crusher rated at 350 tons per hour, McCloskey C44 portable cone crusher, and a McCloskey model R155 portable vibratory screen rated at 350 tons per hour with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Minnier Quarry in McNett Township, **Lycoming County**.

**GP9-41-634A: E&J Construction, LLC** (1842 Masten Road, Canton, PA 17724) on July 26, 2011, to construct and operate one 350 bhp Caterpillar model C9 diesel-fired engine to power a portable jaw crusher, one 350 bhp Caterpillar model C13 diesel-fired engine to power a portable cone crusher, and one 129.4 bhp Caterpillar (Perkins) model C4.4 diesel-fired engine to power a portable screener pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines at their Minnier Quarry located in McNett Township, **Lycoming County**.

**GP5-59-215: Ultra Resources, Inc.** (304 Inverness Way South, Suite 295, CO 80112) on January 11, 2011, to construct and operate one 1340 bhp Caterpillar model G3516LE lean-burn natural-gas-fired compressor engine, three 10 MMscf/day J.W. Williams model 10.0-Combo-UP-A glycol dehydration units, eight natural-gas-fired line heaters rated at 0.75 MMBtu/hr, three natural-gas-fired glycol reboilers rated at 0.25 MMBtu/hr, and three glycol still vent combustors rated at 0.85 MMBtu/hr under 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 Pierson 810 Compressor Station in Gaines Township, **Tioga County**.

**GP3-09-312A: DeCristo, Inc.** (9070 Route 414, Canton, PA 17724) on July 26, 2011, to construct and operate a portable nonmetallic mineral processing plant pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Leroy Quarry No. 1 facility in Leroy Township, **Bradford County**.

**GP9-09-312A: DeCristo, Inc.** (9070 Route 414, Canton, PA 17724) on July 26, 2011, to construct and operate a 300 brake horsepower, Caterpillar model C-9 MBD10805 diesel-fired engine, a 129 brake horsepower Caterpillar, model C4.4 44404321 diesel-fired engine and a 75 brake horsepower Deutz diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or #2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Leroy Quarry No. 1 in Leroy Township, **Bradford 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*

**GP5-63-00933D: MarkWest Liberty Midstream and Resources, LLC.** (800 Western Avenue, Washington, PA 15317) on July 22, 2011, to modify and install two (2) additional oxidation catalysts on the existing uncontrolled Caterpillar engines rated at 1340 bhp, increase the capacity of the existing dehydrator to 40 MMscfd, a new flash tank on the dehydration system, and two new produced water tanks rated at 400 bbl at their Johnston Compressor Station in Chartiers Township **Washington County**.

**GP9-63-00933A: MarkWest Liberty Midstream and Resources, LLC.** (800, Western Avenue, Washington, PA 15317) on July 22, 2011, to install and operate one (1) John Deere, diesel-fired emergency engine, rated at 197 bhp, at their Johnston Compressor Station in Chartiers Township **Washington County**.

**GP9-65-00235A: Alcoa Technical Center** (100 Technical Drive, Alcoa Center, PA 15069) on August 1, 2011, to install and operate an additional emergency diesel generator rated at 2,722 bhp and limited to 99 hours of operation annually under GP-9 for diesel internal combustion engines at the Alcoa Technical Center in Upper Burrell Township, **Westmoreland County**.

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

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

**GP5-16-159A: Northeast Natural Energy, LLC—Maple Grove Metering & Regulation Station** (Jacks Mountain Lane, Rimbersburg, PA 16248) on July 28, 2011, to construct and/or operate a glycol dehydrator, natural-gas fired reboiler, natural gas-fired line heater, and condensed water storage tank (BAQ-GPA/GP-5) in Porter Township, **Clarion County**.

**GP5-33-176A: EXCO Resources, LLC—Pine Creek Compressor Station** (Maple Road, Route 322 Brookville, PA 15825) on August 1, 2011, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Pine Creek Township, **Jefferson County**.

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

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

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

**46-0142B: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041) on July 26, 2011, to install a baghouse replacing the existing baghouse on Rotary Dryer in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending, and drying services of various mineral products. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The Plan Approval and Operating Permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

**28-05012A: Volvo Road Machinery, Inc.** (312 Volvo Way, Shippensburg, PA 17257-9209) on July 26, 2011, for construction and subsequent temporary operation of five

(5) spray paint booths with dry panel filters, a shotblast booth and cartridge collector, a natural gas-fired emergency generator, and paint line natural gas-fired processes, at the road machinery manufacturing facility in Shippensburg Borough, **Franklin County**.

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

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

**25-0661: Accuride Corp.** (1015 East 12th Street, Erie, PA 16503), on July 26, 2011, to modify pressure drop requirements associated with two (2) existing wet scrubbers. The installation of these units was previously permitted by the Department under Plan Approval 25-066H. Based on the information provided by the applicant and DEP's own analysis, the proposed modification will result in no increase in emissions from the affected sources.

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

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

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

**46-0020F: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on July 27, 2011, to operate a vapor degreaser in Collegeville Borough, **Montgomery County**.

**15-0115E: QVC, Inc.** (1200 Wilson Drive, MC169, West Chester PA 19380) on July 27, 2011, to operate a replacement generator West Goshen Township, **Chester County**.

**15-0060C: Southeastern Chester County Refuse Authority** (P. O. Box 221, Kennett Square, PA 19348) on July 27, 2011, to operate an IC engine and generator London Grove Township, **Chester County**.

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

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

**47-00001E: PPL Montour, LLC** (PO Box 128, Washingtonville, PA 17884-0128) on August 2, 2011, for the revised plan approval at their Montour Steam Electric Station in Derry Township, **Montour 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*

**30-00055A: Shannopin Materials, LLC.** (308 Dents Run Road, Morgantown, WV 26501) on July 26, 2011, to extend a Plan Approval to allow the construction of a coal slurry reclamation project and the construction of a coal/limestone barge loading/unloading facility at the Shannopin Dock site located in Monongahela Township, **Greene County**. The plan approval has been extended.



Sources at this facility will include excavators, stockpiles, conveyors, transfer points, and end-loaders. Facility shall be limited to 625 tons/hour and a total throughput of 400,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 46 tons of total particulate matter and 14 tons of PM10. BAT for this operation consists of dust suppression activities such as the use of water sprays, enclosures, roadway paving, tarping, truck wash and best operating practices. The proposed facility is subject to the applicable requirements of Title 25 PA Code, Chapters 121 through 145. The Department believes that the facility will meet these requirements by complying with Plan Approval conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards:

**65-00837B: Dominion Transmission, Inc.—Oakford Compressor Station** (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA, 15212) on August 2, 2011, for a plan approval extension in order to prepare and submit a revision to the Title V operating permit application so that the final revised plan approval can be incorporated in Salem Township, **Westmoreland County**. The plan approval has been extended.

**65-00354B: (Sunoco Partners Marketing & Terminals, L.P.,** 1801 Market Philadelphia, PA 19103-1628) on July 27, 2011, for a plan approval extension with an expiration date of February 7, 2012. This action authorizes Sunoco Partners to continue to operate a Vapor Recovery Unit, while completing stack testing requirements at the Delmont Terminal, located in Salem Township, **Westmoreland County**. The plan approval has been extended.

**32-00059B: GenOn Northeast Management Co.—Conemaugh Power Plant** (121 Champion Way, Canonsburg, PA, 15317) on August 2, 2011, for approval of additional time to complete construction of the equipment included in the coal processing plant in Wheatfield Township, **Indiana County**. Extension of the plan approval has been approved until February 15, 2012. The plan approval has been extended.

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

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

**10-356A: Linde North America, Inc.** (575 Mountain Avenue, Murray Hill, NJ 07974) on July 31, 2011, to construct an air separation unit, which includes an oxygen vaporizer and mole sieve regenerator, both fired by natural gas burners at the their facility, in Butler Township, **Butler County**. This facility is a support facility to AK Steel's Butler Works.

**24-166B: National Fuel Gas—Bowen Station** (1100 State Street, Erie, PA 16512) on July 31, 2011, to install two (2) 1775 bhp natural gas compressor engines at their facility in Highland Township, **Elk County**.

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**26-00402: Veolia ES Chestnut Valley Landfill, Inc.** (PO Box 266, 1184 McClellandtown, McClellandtown, PA 15458) on July 29, 2011 for a Title V Operating Permit for their municipal solid waste landfill located in German Township, **Fayette County**, Pennsylvania. Landfill's design capacity makes it subject to the operating permit requirements of Title V of the Federal Clean Air Act, and PA Code Title 25 Chapter 127, Subchapter G. Title V Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

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

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

**39-00080: Muhlenberg College** (2400 West Chew Street, Allentown, PA 18104-5564) on July 28, 2011, for colleges, universities, and professional schools facility in the City of Allentown, **Lehigh County** for 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.

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

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

**55-00013: Mid-West School District** (568 East Main Street, Middleburg, PA 17842-1218) on July 25, 2011, for operation of their West Snyder Middle School facility in Spring Township, **Snyder County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**53-00017: Herbert Cooper Co., Inc.** (PO Box 40, 121 Main Street, PA 16923-8901) on July 27, 2011, issued a state only operating permit for their facility in Genesee Township, **Potter County**. The facility's sources include an oxygen tube manufacturing operation. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00017: Rescar, Inc.** (407 West Brentwood Street, TX 77530-3952) on July 27, 2011, issued a state only operating permit for their facility located DuBois, Clearfield County. The facility's sources include interior and exterior coating operations, an abrasive blasting operation and a railcar cleaning operation. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.



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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**11-00377: New Enterprise Stone and Lime Company—Ebensburg Pulverizing Plant** (235 Rubisch Road, Ebensburg, PA 15931) on July 26, 2011, to issue a State Only Operating Permit for the operation of a limestone processing facility in Cambria Township, **Cambria County**. The subject facility consists of the portable processing equipment including three crushers, three screens, 3 roll mills and four storage silos. The facility also consists of a natural gas rotary dryer. The facility has the potential to emit less than the major thresholds: 9.48 tpy NO<sub>x</sub>, 7.94 tpy CO, 5.0 tpy PM, 2.0 tpy PM<sub>10</sub> and less than 1 tpy for all other criteria pollutants. The facility is required to conduct weekly surveys of the site for fugitive emissions and malodors, and must take all actions to prevent particulate matter from becoming airborne. The proposed authorization is subject to State and Federal Regulations (OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements. This is a State Only Permit Renewal.

**32-00203: Sharp Paving, Inc.—Shelocta Asphalt Plant** (7425 Route 422 Hwy, Shelocta, PA 15774) on July 26, 2011, to issue a State Only Operating Permit for the operation of a hot mix batch asphalt facility in Armstrong Township, **Indiana County**. The subject facility consists of one hot mix batch asphalt plants rated at 80 tons per hour. The batch plant is limited to 495,000 tons production in any consecutive 12-month period. The facility has the potential to emit: 99.0 tpy CO; 6.19 tpy NO<sub>x</sub>; 1.14 tpy SO<sub>x</sub>; 3.71 tpy VOC; 1.88 tpy HAP; and 7.71 tpy PM. The facility is required to conduct annual burner tune up tests and daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart I). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements. This is a State Only Permit Renewal.

**26-00488: Laurel Aggregates, Inc.—Wymps Gap—Lake Lynn Quarry** (2480 Springhill Furnace Road, Lake Lynn, PA 15451) on July 26, 2011, to issue a State Only Operating Permit to operate a limestone processing facility in Springhill Township, **Fayette County**. The subject facility consists of the portable processing equipment including six crushers, eight screens, and various conveyors and stackers. The facility has the potential to emit 26.13 tpy PM<sub>10</sub>. The facility is required to conduct weekly surveys of the site for fugitive emissions and malodors, and must take all actions to prevent particulate matter from becoming airborne. The proposed authorization is subject to State and Federal Regulations (OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements. This is a State Only Permit Renewal.

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

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

**43-00280: Chevron, Inc.—Miller Industries** (2755 Kirila Boulevard, Hermitage, PA 16148-9019) on July 26, 2011, to issue a State Only Operating Permit renewal for their facility in Lackawannock Township, **Mercer County**. The facility is a Natural Minor. The primary

sources at the facility are 3 spray paint booths. 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.

**62-00174: Warren County Humane Society** (212 Elm Street, Warren, PA 16365) on July 26, 2011, to issue a State Only Operating Permit renewal for their facility in the City of Warren, **Warren County**. The facility is a Natural Minor. The primary source at their facility is a small animal crematory. 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.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**22-05035: New Enterprise Stone & Lime Co., Inc.** (PO Box 177, Winfield, PA 17889-0177) on July 25, 2011, for the Elizabethville Quarry in Washington Township, **Dauphin County**. The State-only permit was administratively amended due to a change in ownership.

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

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

**59-00017: Hitachi Metals Automotive Components USA, LLC** (18986 Route 287, Tioga, PA 16946) on July 25, 2011, to issue a modification of a state only operating permit for their facility in Lawrence Township, **Tioga County**. The operating permit modification removes the particulate matter stack test requirement established for Source P211.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**56-00267 Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552) on July 28, 2011, for an administrative amendment to change the name of the Responsible Official Contact of the Future Industries - Merrill Strip Mine to J. Clifford Forest, President, and the Contact Person Name to Daniel P. Parisi, Environmental and Regulatory Affairs. The Merrill Strip Mine is in Brothersvalley Township, **Somerset County**.

**03-00151 Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on August 1, 2011 for an Administrative Amendment to change the owner/operator of the Dutch Run Prep Plant. The name of the current owner/operator is now the Rosebud Mining Company. The previous owner/operator was T.J.S. Mining, Inc. The Dutch Run Prep. Plant is located in Plumcreek Township, **Armstrong County**.

## 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*

**30831303, Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, ACOE Pittsburgh. Garards Fort, PA Quadrangle, from N: 14.88 inches; W: 16:88 inches to N: 15.05 inches; W: 16.78 inches. This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration for stream flow loss resulting from longwall mining to one acre of unnamed tributary 41267 to Dyers Fork. Application received: August 18, 2009. Permit issued: July 26, 2011

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

**56090113 and NPDES No. PA0262935. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit revision of an existing bituminous surface mine to obtain a variance to conduct surface mining activities within 100 feet of unnamed tributary "E" to Schrock Run. The stream encroachment activity consists of installing E & S controls. The mining activities are in Stonycreek Township, **Somerset County**, affecting 204.9 acres. Receiving stream(s): unnamed tributary to Schrock Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2011. Permit issued: July 20, 2011.

**32100103 and NPDES No. PA0263061. KMP Associates, Inc.**, 3756 Route 981, Saltsburg, PA 15681, commencement, operation and restoration of a bituminous surface coal refuse reprocessing mine in Young Township, **Indiana County**, affecting 32.0 acres. Receiving stream(s): Harpers Run to Blacklegs Creek to Kiskiminetas River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 30, 2010. Permit issued: July 22, 2011.

**11020202 and NPDES No. PA0269254. Ebensburg Power Company**, 2840 New Germany Road, P. O. Box

845, Ebensburg, PA 15931, revision of an existing bituminous surface refuse reprocessing beneficial use of coal ash mine to add 10 acres for mining and a stream variance along the south side of Pergrin Run East and West in Jackson Township, **Cambria County**, affecting 47.9 acres. Receiving stream(s): Pergrin Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 23, 2010. Permit issued: July 28, 2011.

**11000104 and NPDES Permit No. PA0248851, Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, renewal of NPDES Permit, Adams Township, **Cambria County**. Receiving stream(s): Paint Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 20, 2010. Permit Issued: July 19, 2011.

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

**26100103 and NPDES Permit No. PA0251984. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Springhill Township, **Fayette County**, affecting 140.3 acres. Receiving streams: unnamed tributary to Hope Hollow and Cheat River. Application received: July 18, 2010. Permit issued: July 21, 2011.

### Noncoal Permits Actions

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

**25111001. Groundwork Resources, LLC** (8870 Baron Road, McKean, PA 16426) Authorization to extract noncoal (industrial minerals) in McKean Township, **Erie County** to supply fill material for the Erie Airport Extension project. Receiving streams: Unnamed tributary to Walnut Creek. Application received: June 20, 2011. Authorization approved: July 28, 2011.

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

**4773SM5 and NPDES No. PA0115533. Hanson Aggregates Pennsylvania LLC** (7600 Imperial Way, Allentown, PA 18195). Renewal of an existing large industrial mineral mine located in Muncy Creek Township, **Lycoming County** affecting 195.7 acres. Receiving stream: unnamed tributary to Wolfe Run classified for high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2011. Permit issued: July 18, 2011.

**08102812. Simonds Excavating, Inc.** (301 Shepard Road, Sayre, PA 18840). Transfer and upgrade of an existing small noncoal bluestone operation from Darlene W. Ellis, 08940801, in Stevens Township, **Bradford County** affecting 4.0 acres. Receiving stream(s): Unnamed Tributary and Wyalusing Creek. Application received: October 28, 2010. Permit issued: July 7, 2011.

**08101009 Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804), authorized to extract sand and gravel in North Towanda Township, **Bradford County** to construct Chesapeake Energy Well Pads. Receiving stream(s): Sugar Creek. Application received: November 9, 2010. Permit issued: July 8, 2011

**08112501 M. R. Dirt, Inc.** (RR 2 Box 147, Towanda, PA 18848) authorization to extract bluestone in Wyalusing



Township, **Bradford County**. Receiving stream: Unnamed Tributary to Billings Creek. Authorization approved: July 12, 2011.

**08112501GP-104 M. R. Dirt, Inc.** (RR 2 Box 147, Towanda, PA 18848) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface water in Wyalusing Township, **Bradford County**. Receiving streams Unnamed Tributary to Billings Creek. Application received: January 11, 2011. Permit Issued: July 12, 2011.

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

**40110801. Piacenti Trucking and Excavating, Inc.**, (Rear 538 Putnam Street, West Hazleton, PA 18202), commencement, operation and restoration of a quarry operation in Sugarloaf Township, **Luzerne County** affecting 5.0 acres, receiving stream: none. Application received: March 2, 2011. Permit issued: July 26, 2011.

**7974SM3C12 and NPDES Permit PA0595853. New Hope Crushed Stone & Lime Co.**, (P. O. Box 248, New Hope, PA 18938), depth correction of an existing quarry to mine to -170 feet MSL in Solebury Township, **Bucks County** affecting 141.0 acres, receiving stream: Primrose Creek. Application received: October 21, 2008. Correction issued: July 29, 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*

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

**08114121. Meshoppen Blasting, Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well site located in Tuscarora Township, **Bradford County**. Permit issued: July 15, 2011. Permit expires: October 1, 2011.

**08114122. Maurer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for a gas well pad located in Leroy Township, **Bradford County**. Permit issued: July 15, 2011. Permit expires: October 31, 2011.

**08114123. Maurer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for a gas well pad located in Smithfield Township, **Bradford County**. Permit issued: July 19, 2011. Permit expires: December 31, 2011.

**08114126. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a retention pond located in Wilmot Township, **Bradford County**. Permit issued: July 20, 2011. Permit expires: July 19, 2012.

**18114001. Glenn O. Hawbaker, Inc.** (711 East College Ave., Bellefonte, PA 16823). Construction blasting at the Dunkle farm located in Lamar Township, **Clinton County**. Permit issued: July 14, 2011. Permit expires: July 31, 2013.

**41114012. Pennsylvania General Energy LLC** (120 Market St., Warren, PA 16365). Blasting for Pad G Tract 293 located in McHenry Township, **Lycoming County**. Permit issued: July 8, 2011. Permit expires: July 1, 2012.

**41114013. Pennsylvania General Energy LLC** (120 Market St., Warren, PA 16365). Blasting for a fresh water impoundment located in Cummings Township, **Lycoming County**. Permit issued: July 8, 2011. Permit expires: July 1, 2012.

**41114014. Pennsylvania General Energy LLC** (120 Market St., Warren, PA 16365). Blasting for Pad D Tract 729 located in Cummings Township, **Lycoming County**. Permit issued: July 8, 2011. Permit expires: July 1, 2012.

**41114015. Pennsylvania General Energy LLC** (120 Market St., Warren, PA 16365). Blasting for Pad C Tract 729 located in Cummings Township, **Lycoming County**. Permit issued: July 8, 2011. Permit expires: July 1, 2012.

**41114016. Pennsylvania General Energy LLC** (120 Market St., Warren, PA 16365). Blasting for Pad E Tract 729 located in Cummings Township, **Lycoming County**. Permit issued: July 8, 2011. Permit expires: July 1, 2012.

**53114102. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pipeline located in Ulysses Boro, **Potter County** and Westfield Township, **Tioga County**. Permit issued: July 15, 2011. Permit expires: December 31, 2011.

**57114003. John Brainard** (3978 SR-2023, Kingsley, PA 18826). Blasting for a garage foundation located in Cherry Township, **Sullivan County**. Permit issued: June 30, 2011. Permit expires: October 1, 2011.

**57114004. John Brainard** (3978 SR-2023, Kingsley, PA 18826). Blasting for a well pad located in Colley Township, **Sullivan County**. Permit issued: June 30, 2011. Permit expires: September 30, 2011.

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

**22114104. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Ridgewood Development in South Hanover Township, **Dauphin County** with an expiration date of December 31, 2011. Permit issued: July 26, 2011.

**36114146. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Sunrise Meadows in Paradise Township, **Lancaster County** with an expiration date of December 31, 2011. Permit issued: July 28, 2011.

**39114102. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Hamilton Court in South Whitehall Township, **Lehigh County** with an expiration date of July 21, 2012. Permit issued: July 28, 2011.

**36114147. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bethany Gardens in Clay Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: July 29, 2011.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the 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*

**E46-1063. Wissahickon Valley Watershed Association**, 12 Morris Road, Ambler, PA 19002, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities in the Wissahickon Watershed:

1. To remove an existing 47.65-foot long, 17.80-foot span abandoned concrete bridge.
2. To stabilize approximately 169 linear feet of stream bank along Wissahickon Creek by utilizing natural stream measures in the vicinity of the bridge.
3. To stabilize approximately 368 linear feet of stream bank along Wissahickon Creek by utilizing natural stream measures.
4. To stabilize approximately 179 linear feet of stream bank along Wissahickon Creek by utilizing natural stream measures, and impacting approximately 0.004 acre of wetlands (PEM/PFO).

5. To modify the existing stormwater outfall structure by constructing a rock weir in the tributary to Wisahickon Creek.

6. To place and maintain fill in the floodway of Wisahickon Creek associated with construction of a seepage berm.

The site is located near the intersection of West Prospect Park and Old Church Road, (Lansdale, PA USGS Quadrangle N: 12.5 inches; W: 5.25 inches).

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)].

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

**E36-883: Mill Creek Preservation Association, Farm and Home Center**, 1383 Arcadia Road, Room 200, Lancaster, PA 17601, in Leacock and Upper Leacock Townships, ACOE Baltimore District

To: 1) remove an existing structure, 2) construct and maintain a 12.0-foot x 50.0-foot cattle crossing, 3) regrade 1,000.0 feet of streambank and install and maintain 600.0 feet of mud sills, four log vanes, and six log cross vanes, 4) install and maintain two temporary crossings to be converted to permanent 12.0-foot x 50.0-foot agricultural crossings, and 5) install and maintain 6,000.0 feet of stream bank fencing, all for the purpose of restoring and stabilizing 3,065.0 feet of Mill Creek (WWF) and an unnamed tributary of Mill Creek (WWF). The project is located beginning at the North Hollander Road Bridge and continues downstream to the Centerville Road Bridge (New Holland, PA Quadrangle; N: 12.7 inches, W: 15.4 inches; Latitude: 40°04'10.1", Longitude: -76°06'30.1") in Leacock and Upper Leacock Townships, Lancaster County.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D45-071EA. Skytop Lodge, Inc.**, One Skytop, Skytop, PA 18357. Barrett Township, **Monroe County**, ACOE Philadelphia District.

To construct and maintain overtopping protection at Skytop Dam across Leavitt Branch, Brodhead Creek (HQ-CWF, MF) in order to enhance public safety. The dam is located approximately 500-feet northwest of the intersection of SR 390 and East Shore Drive (Skytop, PA Quadrangle, Latitude: 41°13'44"; Longitude: -75°14'05"). The project proposes permanent unavoidable impacts to 0.22-acre of PEM/PSS wetland. The applicant proposes 0.31-acre of on-site replacement wetland.

**21-077EA. Linlo Properties, Mr. Lowell Gates**, 1013 Mumma Road, Lemoyne, PA 17043. Monroe and Carroll Townships, **Cumberland and York Counties**, ACOE Baltimore District.

Project proposes to breach and remove Rosegarden Dam across Yellow Breeches Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 3500 linear feet of stream channel. The dam is located approximately 500 feet west of the intersection of Gettysburg Pike (T883) and Chestnut Grove Road (T880) (Mechanicsburg, PA Quadrangle; Latitude: 40°08'55", Longitude: -77°0'45").



**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*

6/24/2011

ESCGP-1 No.: ESX11-125-0057  
Applicant Name: Range Resources—Appalachia LLC  
CONTACT: Carla Suszkowski  
Address: 380 Southpointe Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Morris  
Receiving Stream(s) And Classifications: UNT to Tenmile Creek/Tenmile Creek Watershed, Other

6/24/2011

ESCGP-1 No.: ESX10-059-0063 2nd major Revision  
Applicant Name: Tanglewood Exploration LLC  
Contact Person: Jeffery Scott  
Address: 226 Elm Drive Suite 102  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Franklin  
Receiving Stream(s) and Classifications: Grimes Run and UNT to Grimes Run WWF, Other

6/23/2011

ESCGP-1 No.: ESX11-125-0054  
Applicant Name: MarkWest Liberty Midstream & Resources LLC  
Contact Person: Robert Mchale  
Address: 601 Technology Drive Suite 130  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Cecil  
Receiving Stream(s) and Classifications: UNT to Millers Run, Millers Run WWF, Other

6/21/2011

ESCGP-1 No.: ESX11-129-0018  
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 Little Sewickley Creek/Lower Youghiogheny River, Other

5/20/2011

ESCGP-1 No.: ESX11-125-0047  
Applicant Name: Range Resources—Appalachia LLC  
Contact Person: Carla Suszkowski  
Address: 380 South Pointe Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
COUNTY Washington Township(s): Hopewell  
Receiving Stream(s) and Classifications: Dunkle Run, UNT to Dunkle Run and UNT to Brush Run  
Watershed: Buffalo Creek WWF

5/23/2011

ESCGP-1 No.: ESX11-125-0044  
Applicant Name: Range Resources—Appalachia LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard  
City: Canonburg State: PA Zip Code: 15317  
County: Washington Township(s): Donegal  
Receiving Stream(s) and Classifications: UNTs to Dutch Fork/Wheeling-Buffalo Creeks Watershed, HQ

6/22/2011

ESCGP-1 No.: ESX11-111-0004 Minor Revision  
Applicant Name: Chief Oil & Gas LLC  
Contact Person: Michael Hirtz  
Address: 6051 Wallace Road, Ext. Suite 210  
City: Wexford State: PA Zip Code 15090  
County: Somerset Township(s): Lower Turkeyfoot  
Receiving Stream(s) and Classifications: 2 UNT's to Laurel Hill Creek HQ-CWF

06/3/2011

ESCGP-1 No.: ESX11-125-0049  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Eric Haskins  
Address: 101 North Main Street  
City: Athens State: PA Zip Code: 08810  
County: Washington Township(s): Twilight/Fallowfield  
Receiving Stream(s) and Classifications: Maple Creek WWF, Monongahela, Other

6/30/2011

ESCGP-1 No.: ESX10-125-0074  
Applicant Name: MarkWest Liberty Midstream & Resources LLC  
Contact Person: Robert McHale  
Address: 601 Technology Drive Suite 130  
City: Canonsburg State: PA Zip Code: 15137  
County: Washington Township(s): Chartiers, Cecil & Mt Pleasant  
Receiving Stream(s) and Classifications: Brush Run WWF, Plum Run WWF and UTN to Plum WWF

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-033-0021  
Applicant Name EOG Resources, Inc.  
Contact Person Greg Shaffer  
Address 400 Southpointe Blvd., Plaza 1, Suite 300  
City, State, Zip Canonsburg, PA 15317  
County Clearfield County  
Township(s) Lawrence Township  
Receiving Stream(s) and Classification(s) Saunders Run/ Sinnemahoning Creek, and Laurel Run HQ-CWF

ESCGP-1 # ESX11-117-0080  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086

County Richmond Township  
Township(s) Tioga County  
Receiving Stream(s) and Classification(s) UNT to North  
Elk Run, CWF

ESCGP-1 # ESX11-117-0078  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Union  
Receiving Stream(s) and Classification(s) UNT to Sugar  
Works Run/Susquehanna R. Basin, East Branch Sugar  
Works Run/Susquehanna R. Basin, UNT to Sugar  
Works Run/Susquehanna River all HQ-CWF

ESCGP-1 # ESX11-115-0069  
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) Auburn Township  
Receiving Stream(s) and Classification(s) Riley Creek,  
UNT to Riley Creek, and UNT to White Creek, all  
(CWF)

ESCGP-1 # ESX11-115-0067  
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  
Meshoppen Creek, (CWF)

ESCGP-1 # ESX11-015-0141  
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) Ulster Township  
Receiving Stream(s) and Classification(s) Susquehanna  
River (WWF)

ESCGP-1 # ESX11-081-0062  
Applicant Name XTO Energy, Inc.  
Contact Person Stacy Vehovic  
Address 395 Airport Road  
City, State, Zip Indiana, PA 15701  
County Lycoming County  
Township(s) Franklin Township  
Receiving Stream(s) and Classification(s) Deer Run and  
Little Muncy Creek—all (CWF, MF)

ESCGP-1 # ESX11-015-0149  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Bradford County  
Township(s) Canton Township  
Receiving Stream(s) and Classification(s) UNT to  
Towanda Creek (CWF, MF)

ESCGP-1 # ESX11-033-0020  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Larry Sanders  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Clearfield County

Township(s) Bradford Township  
Receiving Stream(s) and Classification(s) Millstone  
Run (CWF, MF)/West Branch Susquehanna River  
and West Branch Susquehanna River (WWF)

ESCGP-1 # ESX10-117-0141 (01)  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Richmond Township  
Receiving Stream(s) and Classification(s) UNT to Elk  
Run—Susquehanna River Basin in Pennsylvania—  
Tioga River, UNT to Mad Run—Susquehanna  
River Basin in Pennsylvania—Tioga River,  
Secondary Water: Elk Run—Susquehanna River  
Basin in Pennsylvania—Tioga River, and Mad  
Run Trib to Mill Creek—Susquehanna River  
Basin in Pennsylvania—Tioga River all (TSF)

ESCGP-1 # ESX11-115-0035 (01)  
Applicant Name Laser Northeast Gathering Company,  
LLC  
Contact Person I “Chip” Berthelot, II  
Address 333 Clay Suite 4500  
City, State, Zip Houston, TX 77002  
County Susquehanna County  
Township(s) Liberty, Silver Lake, Franklin, Forest Lake,  
Jessup, and Middletown Townships  
Receiving Stream(s) and Classification(s) Middle Branch  
Wyalusing, North Branch Wyalusing, Stone Street  
Creek, Laurel Lake Creek, all (CWF) (MF), Silver  
Creek, (CWF)

ESCGP-1 # ESX11-115-0078  
Applicant Name Williams Field Services, LLC  
Contact Person Clayton Roesler  
Address 1605 Coraopolis Heights Road  
City, State, Zip Moon Township, PA 15108  
County Susquehanna County  
Township(s) Dimock Township  
Receiving Stream(s) and Classification(s) White Creek,  
UNT to White Creek (CWF)(MF)

ESCGP-1 # ESX11-115-0064  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road, Ext., Suite 210  
City, State, Zip Wexford, PA 15090  
County Susquehanna County  
Township(s) Brooklyn & Lathrop Townships  
Receiving Stream(s) and Classification(s) UNT to Horton  
Creek (TSF, CWF, MF) Secondary Water: Tunkhannock  
Creek (TSF, MF)

ESCGP-1 # ESX11-015-0142  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Suite 210  
City, State, Zip Wexford, PA 15090  
County Bradford County  
Township(s) Monroe Township  
Receiving Stream(s) and Classification(s) UNT to Ladds  
Creek, UNT to South Branch Towanda Creek, Second-  
ary Water: South Branch Towanda Creek, all (WWF)

ESCGP-1 # ESX11-035-0009  
Applicant Name Anadarko E&P Company LP  
Contact Person Nathan Bennett  
Address 33 West 3rd Street  
City, State, Zip Williamsport, PA 17701  
County Clinton County

Township(s) Colebrook Township  
Receiving Stream(s) and Classification(s) West Branch  
Susquehanna (WWF, MF)

ESCGP-1 # ESX11-131-0023  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Wyoming County

Township(s) Braintrim and Meshoppen Township  
Receiving Stream(s) and Classification(s) Tribs 64315 and  
64314 to Black Walnut Creek (CWF, MF) Susquehanna  
River Watershed

ESCGP-1 # ESX11-009-0001  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road Ext., Suite 210  
City, State, Zip Wexford, PA 15090  
County Bedford County  
Township(s) West St. Clair Township  
Receiving Stream(s) and Classification(s) UNT to Bearfoot  
Run, Bearfoot Run. West Branch Georges Creek  
(WWF), Secondary Water: Dunning Creek  
(WWF, MF)

ESCGP-1 # ESX11-131-0004 (01)  
Applicant Name Carrizo Marcellus, LLC  
Contact Person  
Address 251 Drain Lick Road, P. O. Box 231  
City, State, Zip Drifting, PA 16834  
County Wyoming County  
Township(s) Washington Township  
Receiving Stream(s) and Classification(s) UNT to Taques  
Creek (CWF)

ESCGP-1 # ESX11-117-0225 (01)  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086  
County Tioga County

Township(s) Delmar and Charleston Townships  
Receiving Stream(s) and Classification(s) East Branch  
Stony Fork, UNT to East Branch Stony Fork, Wilson  
Creek, Babb Creek, and UNT to Babb Creek, all (CWF,  
MF); Charleston Creek, UNT to Charleston Creek,  
WWF, MF; UNT to Catlin Hollow, TSF, MF

ESCGP-1 # ESX11-117-0083  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Delmar Township  
Receiving Stream(s) and Classification(s) UNT to Dantz  
Run, CWF

ESCGP-1 # ESX11-117-0073  
Applicant Name SWEPI LP  
Contact Person James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Union Township  
Receiving Stream(s) and Classification(s) Sugar Works  
Run (HW-CWF, MF); East Branch Sugar Works Run  
(HQ-CWF, MF)

ESCGP-1 # ESX11-015-0079 (01)  
Applicant Name Southwestern Energy Production  
Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Bradford County  
Township(s) Orwell and Herrick Townships  
Receiving Stream(s) and Classification(s) UNT to  
Rummerfield Creek (WWF); UNT to Johnsson Creek  
(CWF); Susquehanna River (WWF)/Wysox Creek (CWF)

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2011 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kurt Anderson	929 Remington Road Wynnewood, PA 19096	Mitigation
Harold E. Beers H.E. Beers, Co.	2421 Fishing Creek Valley Road Harrisburg, PA 17112	Mitigation
Matthew Beinbauer Harris Environmental, Inc.	600 Stone House Road Clarion, PA 16214	Testing
Jeffrey Calta	106 Vensel Lane P. O. Box T Chicora, PA 16025	Laboratory Analysis
Scott Coslett	332 E. 11th Street Berwick, PA 18603	Testing
D-Tech, Inc.	P. O. Box 902 Blue Bell, PA 19422	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joseph Dunlap	115 Heather Drive Monaca, PA 15061	Testing
Bruce Eichenlaub Penoco, Inc.	485 E. College Avenue Pleasant Gap, PA 16823	Mitigation
James Gagnon	P. O. Box H Avis, PA 17721	Testing
Matthew Gainor	4 Kacey Court Mechanicsburg, PA 17055	Testing
Stephen Genzale	417 E. Beil Avenue Nazareth, PA 18064	Testing
Richard Haag Safe Shelter Environmental	346 N. Pottstown Pike Exton, PA 19341	Testing and Mitigation
Patrick Kelly	601 S. Irving Avenue Scranton, PA 18505	Testing
Robert Krause	113 Stanton Drive S. Abington Twp., PA 18411	Testing
James Makara	146 S. Marmic Drive Holland, PA 18966	Testing
Joseph Miloser	160 Rustic Ridge Fombell, PA 16123	Testing
Anthony Mowrer	2607 Eaton Rapids Road Lansing, MI 48911	Mitigation
Lewis Nelson, IV First Choice Radon Testing	P. O. Box 830 Huntingdon Valley, PA 19006	Testing
Val Sarko	P. O. Box 15052 Reading, PA 19606	Testing
Jeffrey Saulsbury Saulsbury Environmental	307 Lucilla Street Pittsburgh, PA 15218	Testing
Fred Smith	12 E. Welty Avenue Dillsburg, PA 17019	Testing & Mitigation
Terry Spalti	902 High Road Ashland, PA 17921	Testing
Paul Suhrie	38 Big Ridge E. Stroudsburg, PA 18302	Testing
Edward Verna	1703 S. 5th Avenue Lebanon, PA 17042	Mitigation
Chester Zahirnyi	9 Adrian Place Newtown, PA 18940	Testing

[Pa.B. Doc. No. 11-1379. Filed for public inspection August 12, 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 of 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 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 documented, 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 by 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](http://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@pa.gov](mailto:mvottero@pa.gov).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1380. Filed for public inspection August 12, 2011, 9:00 a.m.]

## Availability of the Fiscal Year Report for the Reclamation Fee O & M Trust Account

The Department of Environmental Protection (Department) announces the availability of a draft Fiscal Year (FY) Report (FY 2010-2011) for the Reclamation Fee O & M Trust Account. This account was established to provide the money for the operation and maintenance of mine drainage treatment facilities at mine sites with post-mining discharges at ABS Legacy Sites as defined in 25 Pa. Code § 86.1 (relating to definitions). This report is required by 25 Pa. Code § 86.17 (relating to permit and reclamation fees). The report contains a financial analysis of the revenue and expenditures from the account for FY 2010-2011 and provides projections for the FY 2011-2012. The report and any comments provided will be reviewed with the Mining and Reclamation Advisory Board at the meeting scheduled for October 27, 2011.

Comments and questions should be directed to William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103, [wallen@pa.gov](mailto:wallen@pa.gov). Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDL users) or (800) 654-5988 (voice users). Comments will be accepted through September 15, 2011.

The report is available at [www.dep.state.pa.us/dep/deputate/minres/bmr/reports/](http://www.dep.state.pa.us/dep/deputate/minres/bmr/reports/).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1381. Filed for public inspection August 12, 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.eibrary.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—Substantive Revision*

Title: Guidance for Application of Regional Civil Assessment Procedure. Description: The Department issues this second notice proposing to revise its Guidance for Application of Regional Civil Assessment Procedure, Technical Guidance Document Number 273-4130-003. The first notice was published at 40 Pa.B. 6335 (October 30, 2010). This guidance was developed in 1992 to establish uniform criteria for assessing monetary penalties for violations of requirements of the Federal Clean Air Act, Pennsylvania Air Pollution Control Act (APCA) and rules and regulations adopted under the acts. The Department made minor clarifying revisions to the guidance in 2002. The technical guidance document provides a methodology for determining appropriate civil penalties to resolve violations in accordance with Section 9.1 of the APCA. The proposed revisions include provisions for violations of applicable requirements including permit or plan approval conditions, specific pollutant emission limitations, requirements for surface coating processes, visible emissions, fugitive emissions, malodor and open burning violations. The document is also being revised to address new and revised regulations that are not adequately addressed by the current guidance, including regulations for Small Source Oxides of Nitrogen, Title V Permitting and Consumer Products. In addition, specific steps of the existing penalty calculation methodology that considers factors of a violation more than once are being corrected. In addition to clarifying revisions, the proposed changes to the document include an inflation adjustment procedure, changes to the penalty adjustment factors and additional provisions to address the financial benefit to a person in consequence of a violation, as required under Section 9.1 of the APCA. Copies of this document are available on the Department's Bureau of Air Quality web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. Written Comments: Interested persons may submit written comments on this proposed technical guidance document by September 12, 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 Scott Kepner, Chief, Compliance Assurance and Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [skepner@pa.gov](mailto:skepner@pa.gov).

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1382. Filed for public inspection August 12, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Children's Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Institute has requested an exception to the requirements of 28 Pa. Code § 103.22(3) (relating to implementation).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1383. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2 and 3.1-7.2.2.3 (relating to exam rooms; and doors and door hardware).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1384. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of Lee Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lee Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1385. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the standard contained in Chapter 7 (relating to ventilation).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1386. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of Penn State Hershey Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Hershey Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1387. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of Select Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3.2 and 2.2-2.2.2.7(2) (relating to examination/treatment room; and patient bathing facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be



reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1388. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of UPMC Bedford Memorial for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Bedford Memorial has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.11 and 3.9-3.2.2.2 (relating to gastrointestinal endoscopy service; and space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1389. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of Wayne Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wayne Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1390. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1391. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38 (b) (relating to toilet facilities).

LifeCare Hospitals of Pittsburgh—SNF Unit  
100 South Jackson Avenue  
Pittsburgh, PA 15202



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@pa.gov.

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. 11-1392. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 205.33(a) and (b) (relating to utility room).

Souderton Mennonite Homes  
207 West Summit Street  
Souderton, PA 18964  
FAC ID 050202

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction).

Lutheran Community at Telford  
235 North Washington Street  
Telford, PA 18969  
FAC ID 124502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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. 11-1393. Filed for public inspection August 12, 2011, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Excel Drywall, Inc. and Charles Mininger and Carolee Mininger, individually EIN no. 23-2940831	2955 Fretz Valley Road Perkasie, PA 18944	7/28/2011

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 11-1394. Filed for public inspection August 12, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Big Money '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:

- Name:* The name of the game is Pennsylvania Big Money '11.
- Price:* The price of a Pennsylvania Big Money '11 instant lottery game ticket is \$5.
- Play Symbols:* Each Pennsylvania Big Money '11 instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play

symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), Money Bag (MNYBAG) symbol and a Vault (VAULT) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$30, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,000,000 tickets will be printed for the Pennsylvania Big Money '11 instant game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$400 (FOR HUN) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$100 (ONE HUN) appears in eight of the "Prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "Prize" areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas, a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Money Bag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "Prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win The Prize Shown Under The Matching Number. Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 15,000,000 Tickets</i>
\$5	\$5	8.57	1,750,000
\$5 × 2	\$10	30	500,000
\$10	\$10	30	500,000
\$5 × 4	\$20	120	125,000
\$10 × 2	\$20	120	125,000
(\$5 × 2) + \$10	\$20	120	125,000
\$20	\$20	120	125,000
\$5 × 8	\$40	600	25,000
\$10 × 4	\$40	600	25,000
\$20 × 2	\$40	600	25,000
\$30 + \$10	\$40	600	25,000
\$40	\$40	600	25,000
\$5 × 10	\$50	600	25,000
\$10 × 5	\$50	600	25,000
(\$20 × 2) + (\$5 × 2)	\$50	600	25,000
\$50	\$50	300	50,000
VAULT w/[(10 × 8) + (5 × 4)]	\$100	2,000	7,500
\$100 w/MONEY BAG	\$100	2,000	7,500
\$20 × 5	\$100	2,000	7,500
(\$40 × 2) + (\$10 × 2)	\$100	2,000	7,500
\$50 × 2	\$100	2,000	7,500
\$100	\$100	2,000	7,500
VAULT w/[(100 × 2) + (20 × 10)]	\$400	13,333	1,125
(\$100 w/MONEY BAG) × 4	\$400	13,333	1,125
\$50 × 8	\$400	24,000	625
\$100 × 4	\$400	24,000	625
\$400	\$400	13,333	1,125
VAULT w/[(100 × 2) + (40 × 5) + (20 × 5)]	\$500	24,000	625
VAULT w/[(50 × 2) + (40 × 10)]	\$500	24,000	625
(\$100 w/MONEY BAG) × 5	\$500	24,000	625
\$50 × 10	\$500	40,000	375
\$100 × 5	\$500	40,000	375
\$400 + \$100	\$500	40,000	375
\$500	\$500	24,000	625
VAULT w/[(100 × 8) + (50 × 4)]	\$1,000	40,000	375
VAULT w/[(400 × 2) + (20 × 10)]	\$1,000	40,000	375
(\$400 × 2) + (20 × 10)	\$1,000	60,000	250
\$1,000	\$1,000	40,000	375
\$1,000 × 10	\$10,000	600,000	25
\$10,000	\$10,000	600,000	25
\$100,000	\$100,000	600,000	25

"MONEY BAG" (MNYBAG) symbol = win \$100 instantly.

"VAULT" (VAULT) symbol = win all 12 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 Big Money '11 instant 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 Big Money '11 instant game, prize money from winning Pennsylvania

Big Money '11 instant 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 Big Money '11 instant 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 Big Money '11 instant game or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 11-1395. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Pennsylvania Monopoly™ '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 Monopoly™ '11.

2. *Price:* The price of a Pennsylvania Monopoly™ '11 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Monopoly™ '11 instant lottery game ticket will contain a "YOUR ROLLS" area, a "CHANCE BONUS" area and a "COMMUNITY CHEST BONUS" area. The "BONUS" areas are played separately. The "YOUR ROLLS" area will feature 12 "ROLL" areas. The play symbols and their captions located in "ROLL 1," "ROLL 2," "ROLL 3," "ROLL 4," "ROLL 5," "ROLL 6," "ROLL 7," "ROLL 8," "ROLL 9," "ROLL 10," "ROLL 11" and "ROLL 12" in the "YOUR ROLLS" area are: MEDITERRANEAN AVENUE (MEDITER), BALTIC AVENUE (BALTIC), ORIENTAL AVENUE (ORIENTL), VERMONT AVENUE (VRMONT), CONNECTICUT AVENUE (CONCUT), ST CHARLES PLACE (STCHRL), STATES AVENUE (STATES), VIRGINIA AVENUE (VIRGNIA), ST JAMES PLACE (STJMES), TENNESSEE AVENUE (TENNSE), NEW YORK AVENUE (NEWYRK), KENTUCKY AVENUE (KENTKY), INDIANA AVENUE (INDIANA), ILLINOIS AVENUE (ILLINOI), VENTNOR AVENUE (VNTNOR), MARVIN GARDENS (MARVIN), PACIFIC AVENUE (PACIFIC), NORTH CAROLINA AVENUE (NORCAR), PENNSYLVANIA AVENUE (PENNAV), PARK PLACE (PARKPL), BOARDWALK (BRDWLK), READING RAILROAD (READRR), PENNSYLVANIA RAILROAD (PENRRR), B & O RAILROAD (B&ORR), SHORT LINE (SHRTRR), WATER WORKS (WTRWKS), ELECTRIC COMPANY (ELECCO), and ATLANTIC AVENUE (ATLNTC). The play symbols and their captions located in the "CHANCE BONUS" area and the "COMMUNITY CHEST BONUS" area are: \$3<sup>00</sup> (THR DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$15<sup>00</sup> (FIFTN), \$30<sup>00</sup> (THIRTY), \$60<sup>00</sup> (SIXTY), \$90<sup>00</sup> (NINTY), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$9, \$15, \$30, \$60, \$90, \$100, \$300, \$3,000, \$30,000 and \$60,000. A player can win up to 4 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Monopoly™ '11 instant lottery game.

#### 6. *Determination of Prize Winners:*

(a) Holders of tickets with a BOARDWALK (BRDWLK) play symbol appearing in any "ROLL" and a PARK PLACE (PARKPL) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets with a PENNSYLVANIA AVENUE (PENNAV) play symbol appearing in any "ROLL," a NORTH CAROLINA AVENUE (NORCAR) play symbol appearing in any "ROLL" and a PACIFIC AVENUE (PACIFIC) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets with a PENNSYLVANIA RAILROAD (PENRRR) play symbol appearing in any "ROLL" or a READING RAILROAD (READRR) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets with an ELECTRIC COMPANY (ELECCO) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets with a WATER WORKS (WTRWKS) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a MARVIN GARDENS (MARVIN) play symbol appearing in any "ROLL," a VENTNOR AVENUE (VNTNOR) play symbol appearing in any "ROLL" and an ATLANTIC AVENUE (ATLNTC) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$90.

(g) Holders of tickets with a \$90<sup>00</sup> (NINTY) play symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$90.

(h) Holders of tickets with an ILLINOIS AVENUE (ILLINOI) play symbol appearing in any "ROLL," an INDIANA AVENUE (INDIANA) play symbol appearing in any "ROLL" and a KENTUCKY AVENUE (KENTKY) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$60.

(i) Holders of tickets with a \$60<sup>00</sup> (SIXTY) play symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$60.

(j) Holders of tickets with a NEW YORK AVENUE (NEWYRK) play symbol appearing in any "ROLL," a TENNESSEE AVENUE (TENNSE) play symbol appearing in any "ROLL" and a ST JAMES PLACE (STJMES) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets with a \$30<sup>00</sup> (THIRTY) play symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets with a VIRGINIA AVENUE (VIRGNIA) play symbol appearing in any "ROLL," a STATES AVENUE (STATES) play symbol appearing in any "ROLL" and a ST CHARLES PLACE (STCHRL) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with a \$15<sup>00</sup> (FIFTN) play symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$15.



(n) Holders of tickets with a CONNECTICUT AVENUE (CONCUT) play symbol appearing in any "ROLL," a VERMONT AVENUE (VRMONT) play symbol appearing in any "ROLL" and an ORIENTAL AVENUE (ORIENTL) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$9.

(o) Holders of tickets with a \$9<sup>00</sup> (NIN DOL) play symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$9.

(p) Holders of tickets with a BALTIC AVENUE (BALTIC) play symbol appearing in any "ROLL" and a MEDITERRANEAN AVENUE (MEDITER) play symbol appearing in any "ROLL" on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets with a \$6<sup>00</sup> (SIX DOL) play

symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets with a B & O RAILROAD (B&ORR) play symbol appearing in any "ROLL" or a SHORT LINE (SHRTRR) play symbol appearing in any "ROLL," on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets with a \$3<sup>00</sup> (THR DOL) play symbol in the "CHANCE BONUS" area or the "COMMUNITY CHEST BONUS" area, on a single ticket, shall be entitled to a prize of \$3.

7. *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:

*Scratch Each Roll, Then Scratch The Corresponding Property. When All The Required Properties Shown In The Prize Legend For A Particular Prize Are Revealed, Win Amount Shown For That Prize. Win With Prize(s) Of:*

BOARD GAME	CHANCE BONUS	COMMUNITY CHEST BONUS	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets:
\$3			\$3	25	288,000
	\$3		\$3	28.57	252,000
		\$3	\$3	28.57	252,000
(\$3 x 2)			\$6	100	72,000
\$3	\$3		\$6	100	72,000
\$3		\$3	\$6	100	72,000
	\$3	\$3	\$6	100	72,000
\$6			\$6	100	72,000
	\$6		\$6	100	72,000
		\$6	\$6	100	72,000
(\$3 x 2)	\$3		\$9	250	28,800
(\$3 x 2)		\$3	\$9	500	14,400
\$3	\$3	\$3	\$9	500	14,400
\$6	\$3		\$9	500	14,400
\$6		\$3	\$9	500	14,400
	\$6	\$3	\$9	500	14,400
\$9			\$9	83.33	86,400
	\$9		\$9	500	14,400
		\$9	\$9	500	14,400
(\$3 x 2)	\$3	\$6	\$15	166.67	43,200
\$6	\$6	\$3	\$15	500	14,400
\$9	\$3	\$3	\$15	500	14,400
\$15			\$15	166.67	43,200
	\$15		\$15	500	14,400
		\$15	\$15	500	14,400
\$15	\$15		\$30	1,200	6,000
\$15		\$15	\$30	1,200	6,000
	\$15	\$15	\$30	1,200	6,000
\$30			\$30	218.18	33,000
	\$30		\$30	2,400	3,000
		\$30	\$30	2,400	3,000
\$30	\$30		\$60	6,000	1,200
\$30		\$30	\$60	6,000	1,200
	\$30	\$30	\$60	6,000	1,200
\$60			\$60	6,000	1,200
	\$60		\$60	6,000	1,200
		\$60	\$60	6,000	1,200
\$30	\$30	\$30	\$90	3,000	2,400
\$60	\$30		\$90	3,000	2,400

Scratch Each Roll, Then Scratch The Corresponding Property. When All The Required Properties Shown In The Prize Legend For A Particular Prize Are Revealed, Win Amount Shown For That Prize. Win With Prize(s) Of:

		Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets:	
\$60		\$30	\$90	3,000	2,400
	\$60	\$30	\$90	3,000	2,400
\$90		\$90	\$90	3,000	2,400
	\$90	\$90	\$90	3,000	2,400
\$100		\$90	\$90	3,000	2,400
\$300		\$100	\$100	60,000	120
\$3,000		\$300	\$300	60,000	120
\$30,000		\$3,000	\$3,000	120,000	60
\$60,000		\$30,000	\$30,000	1,440,000	5
		\$60,000	\$60,000	1,440,000	5

- B & O or Short Line Railroad = \$3
- Baltic + Mediterranean = \$6
- Connecticut + Vermont + Oriental = \$9
- Virginia + States + St Charles = \$15
- New York + Tennessee + St James = \$30
- Illinois + Indiana + Kentucky = \$60
- Marvin Gardens + Ventnor + Atlantic = \$90
- Water Works = \$100
- Electric Company = \$300
- Pennsylvania or Reading Railroad = \$3,000
- Pennsylvania + North Carolina + Pacific = \$30,000
- Boardwalk + Park Place = \$60,000

CHANCE and COMMUNITY CHEST BONUS: Reveal a prize amount from \$3 to \$90, win that amount.

Non-winning Pennsylvania Monopoly™ '11 instant lottery tickets may be entered in bonus promotional drawings via the Lottery's website (<http://www.palottery.com>) for a chance to win bonus prizes as determined by the Secretary and announced on the Lottery's website. These prizes are not part of the Prize Structure and are provided to the Pennsylvania Lottery at no additional cost.

Entries submitted via the Lottery's website must be submitted from a computer within Pennsylvania.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Monopoly™ '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).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Monopoly™ '11, prize money from winning Pennsylvania Monopoly™ '11 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within one year of the announced close of the Pennsylvania Monopoly™ '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.

10. *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.

11. *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 Monopoly™ '11 or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1396. Filed for public inspection August 12, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### First Priority Health HMO; BlueCare HMO Individual Conversion; Rate Filing

On August 1, 2011, First Priority Health HMO submitted a rate filing (No. 1654-HMO/ICC-RATE-1/1/12) to increase the premium rates for the Conversion Product. Depending upon which plan the member chooses, the rate change will range from a 27.6% decrease to a 33.5% increase for members with drug coverage and from a 37.1% decrease to a 29.3% increase for members without drug coverage. This will affect approximately 569 members. The requested effective date of the change is January 1, 2012.

This filing also proposes benefit changes.

Unless formal administrative action is taken prior to October 26, 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](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1397. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Direct Pay Guaranteed Issue PPO High Deductible Health Plans (Central Region); Rate Filing

By filing No. 2A-HDHP/CDP/GI-11-HBS, Highmark, Inc., (Central Region) requests approval to increase the premium rates for its Direct Pay Guaranteed Issue PPO High Deductible Health Plans (Central Region). The filing requests an average increase of about 9.9% or \$60.73 per contract per month. This filing will affect approximately 1,300 contract holders and will produce additional income of about \$960,000 annually. The requested effective date of the change is January 1, 2012.

This filing also requests the following benefit changes: removal of private duty nursing; extended infusion therapy to be eligible with certain providers; and clarify contract language to exclude surrogate maternity.

Unless formal administrative action is taken prior to October 26, 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](http://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](mailto: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. 11-1398. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Direct Pay Guaranteed Issue PPO High Deductible Health Plans (Western Region); Rate Filing

By filing No. 2A-HDHP/WDP/GI-11-HBCBS, Highmark, Inc., (Western Region) requests approval to increase the premium rates for its Direct Pay Guaranteed Issue PPO

High Deductible Health Plans (Western Region). The filing requests an average increase of about 9.9% or \$71.21 per contract per month. This filing will affect approximately 1,600 contract holders and will produce additional income of about \$1.4 million annually. The requested effective date of the change is January 1, 2012.

This filing also requests the following benefit changes: removal of private duty nursing; extended infusion therapy to be eligible with certain providers; and clarify contract language to exclude surrogate maternity.

Unless formal administrative action is taken prior to October 26, 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](http://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](mailto: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. 11-1399. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Guaranteed Issue PreferredBlue Individual PPO (Western Region); Rate Filing

By filing No. 2A-GI INGPP0-11-HBCBS, Highmark, Inc., (Western Region) requests approval to increase the premium rates for its Guaranteed Issue PreferredBlue Individual PPO. The filing requests an average increase of about 9.9% or \$66.12 per contract per month. This filing will affect approximately 7,400 contract holders and will produce additional income of about \$5.88 million annually. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to October 26, 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](http://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](mailto: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. 11-1400. Filed for public inspection August 12, 2011, 9:00 a.m.]

**Highmark Blue Shield; Direct Pay ClassicBlue Comprehensive Major Medical Plan (Central Region); Rate Filing**

By filing No. 2A-CMM-11-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to increase the premium rates for the Direct Pay ClassicBlue Comprehensive Major Medical Plan (Central Region). The filing requests an average increase of about 9.9% or \$54.53 per contract per month. This will affect about 5,400 contract holders and produce additional premium income of about \$3.48 million annually. For those eligible for HIPAA and HCTC the filing requests an average increase of about 9.9% or \$81.71 per contract per month. This will affect an estimated 700 contract holders and produce additional premium income of about \$720,000 annually. The requested effective date of the change is January 1, 2012.

This filing also requests the following benefit changes: removal of private duty nursing; extended infusion therapy to be eligible with certain providers; and clarify contract language to exclude surrogate maternity.

Unless formal administrative action is taken prior to October 26, 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](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@state.pa.us](mailto: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. 11-1401. Filed for public inspection August 12, 2011, 9:00 a.m.]

**Highmark, Inc. Filing No. 1A-SCMS-11-HI; Request for Approval to Increase Rates for Special Care Medical Surgical Plans; Rate Filing**

By filing No. 1A-SCMS-11-HI, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield and Highmark Blue Shield, requests approval to revise premium rates for its Special Care Medical/Surgical programs in the Central, Western and Northeastern Pennsylvania regions.

Highmark, Inc. is requesting a 9.9% increase in Central Pennsylvania. This will affect 3,000 contracts and generate an additional \$20,000 per month in premium.

Highmark, Inc. is requesting a 9.9% increase in Western Pennsylvania. This will affect 14,000 contracts and generate an additional \$110,000 per month in premium.

Highmark, Inc. is requesting a 9.9% increase in North-eastern Pennsylvania. This will affect 5,000 contracts and generate an additional \$35,000 per month in premium.

The filing requests an average increase of 9.9% or \$7.39 per contract per month. This will affect about 22,000 contract holders in total and produce an additional premium income of about \$165,000 per month. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to October 27, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1402. Filed for public inspection August 12, 2011, 9:00 a.m.]

**Highmark, Inc. Filing No. 1A-TRAD-11-HBS; Request for Approval to Increase Rates for the ClassicBlue Hospital, Medical/Surgical and Major Medical Plan (Central Region); Rate Filing**

By filing No. 1A-TRAD-11-HBS, Highmark, Inc., d/b/a Highmark Blue Shield requests approval to revise premium rates for its ClassicBlue Hospital, Medical/Surgical and Major Medical Plan in the Central Pennsylvania region.

Highmark, Inc. is requesting a 9.9% increase or \$85.60 per contract per month. This will affect 80 contracts and generate an additional \$7,000 per month in premium. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to October 19, 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](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1403. Filed for public inspection August 12, 2011, 9:00 a.m.]



### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Kelly Bumbaugh; file no. 11-181-104449; Tuscarora Wayne Insurance Company; Doc. No. P11-07-011; September 13, 2011, 10 a.m.

Appeal of Herbert Goss; file no. 11-181-104829; Centre County Mutual Fire Insurance Company; Doc. No. P11-07-007; September 15, 2011, 10 a.m.

Appeal of Anthony G. Stellar; file no. 11-130-105598; Saucon Mutual Insurance Company; Doc. No. P11-07-012; September 14, 2011, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1404. Filed for public inspection August 12, 2011, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5; Multi-Store Discount Provisions

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on

September 7, 2011, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the multi-store discount provisions in Milk Marketing Area No. 5. The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Those parties who have filed for the Area 5 cost replacement hearing to be held on September 7, 2011, are also deemed to be a party to this hearing and attorneys representing those parties are deemed to have entered their appearances for this hearing. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board by 3 p.m. on August 19, 2011, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board by 3 p.m. on August 19, 2011, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 3 p.m. on August 24, 2011, petitioner shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on August 31, 2011, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on September 2, 2011, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 10 a.m. on September 1, 2011.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

For persons who require this information in an alternate format, call (717) 787-4194 or (800) 654-5984 (Pennsylvania AT&T Relay Service for TDD Users).

TIM MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-1405. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6; Multi-Store Discount Provisions

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on September 7, 2011, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the multi-store discount provisions in Milk Marketing Area No. 6. The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Those parties who have filed for the Area 6 cost replacement hearing to be held on September 7, 2011, are also deemed to be a party to this hearing and attorneys representing those parties are deemed to have entered their appearances for this hearing. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board by 3 p.m. on August 19, 2011, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board by 3 p.m. on August 19, 2011, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 3 p.m. on August 24, 2011, petitioner shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on August 31, 2011, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on September 2, 2011, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other

proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 10 a.m. on September 1, 2011.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

For persons who require this information in an alternate format, call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD Users).

TIM MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-1406. Filed for public inspection August 12, 2011, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Commonwealth Financing Authority Certification for Fiscal Year 2011-2012

I, Charles B. Zogby, Secretary of the Budget, hereby certify in accordance with, and as required by, section 1543(e) of the Act of April 1, 2004 (P. L. 163, No. 22), 64 Pa.C.S. § 1543(e), that:

(1) sufficient surplus revenue will exist in the General Fund for Commonwealth Fiscal Years 2012-2013 and 2013-2014 to pay any liabilities which will be incurred by the Commonwealth during those Fiscal Years if the Commonwealth Financing Authority incurs an additional \$250,000,000 of indebtedness; and,

(2) the aggregate amount of liabilities which will be incurred by the Commonwealth for its Fiscal Years 2012-2013 and 2013-2014 as a result of the activities of the Commonwealth Financing Authority are \$92,469,000 and \$92,478,000 respectively.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 11-1407. Filed for public inspection August 12, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas

**A-2011-2230314. Pentex Pipeline Company.** Pentex Pipeline Company for approval to begin to offer, render, furnish or supply natural gas gathering or conveying services by pipeline to its existing customer and to the public in Wyalusing, Herrick, Terry, Tuscarora, Stevens and Wilmot Townships, Bradford County.

### Public Input Hearing

Public input hearings on the previously captioned case will be held as follows:

*Date:* Tuesday, September 13, 2011  
*Times:* 1 p.m. and 6 p.m.  
*Location:* Greater Wyalusing Chamber of Commerce  
 20 Main Street  
 Wyalusing, PA 18853  
*Presiding:* Administrative Law Judge Dennis J Buckley  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 Phone: (717) 787-1399  
 Fax: (717) 787-0481

Persons with a disability who wish to attend a hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1408. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Net Metering—Use of Third Party Operators

Public Meeting held  
 June 30, 2011

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

*Net Metering—Use of Third Party Operators;*  
*Doc. No. M-2011-2249441*

#### Tentative Order

*By the Commission:*

With the passage of the Alternative Energy Portfolio Standards Act of 2004<sup>1</sup> (AEPS Act), this Commonwealth embarked on a policy of promoting renewable generation sources. The Commission has been steadfastly committed to making the AEPS Act work and promoting reasonable alternative energy policies. With this Tentative Order, we propose that it be the policy of the Commission that the term “operator” shall be interpreted as including customer-generators with distributed alternative energy systems that contract with a third party to perform the operational functions of the system, and seek comment on this proposal, as set forth more completely in this Tentative Order.

<sup>1</sup> 73 P.S. §§ 1648.1—1648.8 and 66 Pa.C.S. § 2814.

### Background

On November 30, 2004, Governor Edward Rendell signed Act 213 into law. Act 213 became effective on February 28, 2005, and established the Alternative Energy Portfolio Standards Act in Pennsylvania. The AEPS Act includes two key mandates: one, greater reliance on alternative energy sources, such as solar photovoltaic, in serving Pennsylvania’s retail electric customers; and two, the opportunity for customer-generators to interconnect and net meter small alternative energy systems. The Pennsylvania General Assembly charged the Commission with implementing and enforcing these mandates, with the assistance of the Pennsylvania Department of Environmental Protection.<sup>2</sup>

The AEPS Act defines net metering as “[t]he means of measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generating system is used to offset part or all of the customer-generator’s requirements for electricity.”<sup>3</sup> The AEPS Act also permits virtual net metering “on properties owned or leased and operated by a customer-generator and located within two miles of the boundaries of the customer-generator’s property and within a single electric distribution company’s service territory.”<sup>4</sup>

The AEPS Act defines a customer-generator as:

a nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations, except for customers whose systems are above three megawatts and up to five megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an electric distribution company, electric cooperative or municipal electric system have been promulgated by the Institute of Electrical and Electronic Engineers and the Pennsylvania Public Utility Commission.<sup>5</sup>

The Commission’s regulations require electric distribution companies (EDCs) to “offer net metering to customer-generators that generate electricity on the customer-generator’s side of the meter using Tier I or Tier II alternative energy sources, on a first come, first served basis.”<sup>6</sup> Regarding electric generation suppliers (EGSs) the Commission’s regulations state that “EGSs may offer net metering to customer-generators, on a first come, first served basis, under the terms and conditions as are set forth in agreements between EGSs and customer-generators taking services from EGSs.”<sup>7</sup>

<sup>2</sup> 73 P.S. § 1648.7(a) and (b).

<sup>3</sup> 73 P.S. § 1648.2.

<sup>4</sup> See definition of net metering at 73 P.S. § 1648.2.

<sup>5</sup> 73 P.S. § 1648.2.

<sup>6</sup> 52 Pa. Code § 75.13(a).

<sup>7</sup> Id.



The Commission's regulations define a customer-generator facility as "[t]he equipment used by a customer-generator to generate, manage, monitor and deliver electricity to the EDC."<sup>8</sup> The Commission's regulations also define net metering as "[t]he means of measuring the difference between the electricity supplied by an electric utility or EGS and the electricity generated by a customer-generator when any portion of the electricity generated by the alternative energy generation system is used to offset part or all of the customer-generator's requirements for electricity."<sup>9</sup>

#### Discussion

We believe that it should be the policy of this Commission to support access to alternative energy systems to as broad an array of consumers as possible. We are aware of the fact that consumers often may need to make a significant initial capital outlay in order to install an alternative energy facility at their residence or small business, and that this significant capital expense is an impediment to many consumers wishing to install such systems.

We are aware of a business model employed in other states whereby an alternative energy system developer will install a system on a customer's premises while maintaining ownership and performing maintenance and operations functions of that system. The electricity generated by the installed alternative energy system is then sold to the consumer through a power purchase agreement. Proponents of this business model are concerned, however, that the AEPS Act and the Commission's corresponding Regulations could be interpreted as prohibiting such a facility from net metering.

To prevent prejudice to consumers wanting to take advantage of this business model, we propose that it be the policy of this Commission to allow alternative energy systems installed using the business model described above to net meter. Specifically, for the purposes of net metering, it should be the policy of this Commission that the term "operator"<sup>10</sup> shall be interpreted as including customer-generators with distributed alternative energy systems that contract with a third-party to perform the operational functions of that system. We further propose that it be the policy of this Commission to limit this interpretation to alternative energy systems installed on property owned or leased by the customer-generator and designed to generate no more than 110% of the customer-generator's electric consumption<sup>11</sup> and the nameplate capacity of the system does not exceed the size limits defined in the AEPS Act.<sup>12</sup>

We are proposing the system size limitation of 110% of a customer-generator's prior year electricity consumption to prevent the installation of oversized alternative energy systems that are more accurately described as merchant generation posing as customer-generators. The Commission believes that not allowing merchant generation to net meter is reasonable and consistent with the intent of the AEPS Act. We note that the definition of net metering

<sup>8</sup> 52 Pa. Code § 75.12.

<sup>9</sup> Id.

<sup>10</sup> As found in the definition of "customer-generator" at 73 P.S. § 1648.2.

<sup>11</sup> As measured by the customer-generator's total electric usage in the 12 full months immediately preceding submission of the interconnection application. In the event of a system expansion, the customer-generator would need to demonstrate that the expansion is designed not to exceed 110% of their electricity consumption in the 12 full months immediately preceding submission of the expansion application, in order to fall within the policy proposed in this Order.

<sup>12</sup> As set forth in the definition of "customer-generator" at 73 P.S. § 1648.2.

contained in the AEPS Act makes it clear that the intent of net metering is to provide electric utility customers with a reasonable means to offset their electric consumption without having to install expensive and potentially hazardous electric storage devices. We do not believe the AEPS Act intended net metering as an avenue for merchant generators to circumvent the wholesale electric market in an attempt to avoid Federal Energy Regulatory Commission jurisdiction. Furthermore, we do not believe it was the intent of the AEPS Act to provide retail rate subsidies<sup>13</sup> to merchant generation facilities at retail customer expense that may result in cross-class subsidization.

#### Conclusion

With this Tentative Order, the Commission seeks comments on the proposed net metering policy described in this Tentative Order. This Tentative Order and filed comments will be made available to the public on the Commission's alternative energy<sup>14</sup> web page. *Therefore,*

#### *It Is Ordered That:*

1. This Tentative Order shall be published in the *Pennsylvania Bulletin* and served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional electric distribution companies, all licensed electric generation suppliers, and all parties who filed comments under Docket No. L-00050174.

2. Interested parties shall have thirty (30) days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file an original and three (3) copies of written comments to the Pennsylvania Public Utility Commission, Attention: Secretary Rosemary Chiavetta, P. O. Box 3265, Harrisburg, PA 17105-3265.

3. The comments shall be electronically mailed to Scott Gebhardt, Analyst, at [sgebhardt@state.pa.us](mailto:sgebhardt@state.pa.us), and Kriss Brown, Assistant Counsel, at [kribrown@state.pa.us](mailto:kribrown@state.pa.us).

4. The contact person for technical issues is Scott Gebhardt, Analyst, Bureau of Conservation, Economics and Energy Planning, (717) 425-2860 or [sgebhardt@state.pa.us](mailto:sgebhardt@state.pa.us). The contact person for legal issues is Kriss Brown, Assistant Counsel, Law Bureau, (717) 787-4518 or [kribrown@state.pa.us](mailto:kribrown@state.pa.us).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1409. Filed for public inspection August 12, 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 29, 2011. Docu-

<sup>13</sup> We note that this proposed policy will not restrict otherwise qualifying alternative energy systems from selling the alternative energy credits they generate.

<sup>14</sup> [http://www.puc.state.pa.us/electric/electric\\_alt\\_energy.aspx](http://www.puc.state.pa.us/electric/electric_alt_energy.aspx)



ments 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-2011-2247300. Reliant Transportation Service, Inc.** (714 Harden Drive, Pittsburgh, PA 15229) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the County of Allegheny, to points in Pennsylvania and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Carl R. Shultz, Esquire, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

**A-2011-2249480. Conveyance Care, Inc.** (9509 Hoff Street, Apt. 2, Philadelphia, PA 19115), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia to hospitals in Pennsylvania, and return.

**A-2011-2250337. South Shore Limousine, LLC** (111 Vanderbilt Drive, Pittsburgh, PA 15243) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties of Erie and Crawford, to points in Pennsylvania and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2248149. Stephanie L. Blakeney, t/a Blakeney Transportation Service** (1353 East Vernon Road, Philadelphia, Philadelphia County, PA 19150), for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11-15 passengers, including the driver, from points in the City and County of Philadelphia to various educational, historical and amusement facilities in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2011-2249174. The New Yellow Cab, LLC** (2633 Canby Street, Harrisburg, Dauphin County, PA 17103), a limited liability company of the Commonwealth of Pennsylvania, for the approval of the transfer of 50% of the 100% of the shares of capital stock held by Carmen L. Maldonado to Skanna Tang. *Attorney:* Anthony J. Foschi, Esquire, Tucker Arensberg, P.C., 111 North Front Street, P. O. Box 889, Harrisburg, PA 17108.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2011-2248220. Pennsylvania Coach Lines, Inc.** (415 Rebecca Street, P. O. Box 3052, McKeesport, Allegheny County, PA 15132)—for the discontinuance of service and cancellation of the certificate, as a common carrier, persons in airport transfer service, from points in

the Borough of Bedford, Bedford County and within an airline distance of 30 statute miles of the limits thereof to the following airports: The Greater Pittsburgh International Airport, located in the Township of Moon, Allegheny County; the Harrisburg International Airport, located in the Township of Lower Swatara, Dauphin County; the Philadelphia International Airport, located in the City and County of Philadelphia, and the Township of Tincum, Delaware County; Altoona Blair County Airport, located in the Township of North Woodbury, Blair County; and the Johnstown Cambria County Airport, located in the Township of Richland, Cambria County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1410. Filed for public inspection August 12, 2011, 9:00 a.m.]

### Water Service

**A-2011-2254318. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in an additional portion of Middle Smithfield Township, Monroe County.

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 29, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1411. Filed for public inspection August 12, 2011, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Implementation of Future Fuel Surcharges; Request for Comments

The Philadelphia Parking Authority (PPA) Board at its regular meeting on May 26, 2011, has ordered the Philadelphia Parking Authority Taxicab and Limousine Division (TLD) to conduct an investigation into how future fuel surcharges can be implemented in an efficient and effective way. Accordingly, a 20-day public comment period seeking information in this regard, will extend from August 13, 2011, to September 2, 2011.

Industry members and members of the general public are invited to submit comments regarding the implemen-

tation of future fuel surcharges by submitting formal comments in paper and electronic form (CD or e-mail) to PPA TLD, Attention Charles Milstein, Esq., Assistant to the Director, 2415 South Swanson Street, Philadelphia, PA 19148, cmilstein@philapark.org by close of business on September 2, 2011. A signed original must be submitted along with a CD unless e-mail is used for the electronic version. Handwritten copies will not be accepted.

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1412. Filed for public inspection August 12, 2011, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 11-053.P Development and Operation of 3200 East Tioga Street, until 2 p.m. on Thursday, September 15, 2011. The documents can be obtained on the PRPA web site at [www.philaport.com](http://www.philaport.com) and will be available August 16, 2011. Individuals must contact the Procurement Department at (215) 426-2600 to provide contact information to receive addenda and additional information about this project. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

A site visit is scheduled for 10 a.m. on Thursday, August 25, 2011. Meet at PRPA, 3460 North Delaware Avenue, 2nd Floor large conference room, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1413. Filed for public inspection August 12, 2011, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action 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.

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Joshua Reiff 71 Wieand Road Milton, PA 17847	Northumberland County/ Chillisquaque Township	0—manure storage only	Turkey	New	Approved
Michael and Allison Mancino 104 Vanderbeek Farm Lane Hawley, PA 18428	Pike County/ Lackawaxen Township	66	Horses	New	Approved
Edwin Oberholtzer 3040 Tower Road Mifflinburg, PA 17844	Union County/ Limestone Township	68.4	Layers	New	Withdrawn by Operator

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 11-1414. Filed for public inspection August 12, 2011, 9:00 a.m.]

# STATE REAL ESTATE COMMISSION

## Bureau of Professional and Occupational Affairs v. Stephen Adesida; File No. 11-56-03374

On April 25, 2011, Stephen Adesida, license no. RS221650L, of Upper Darby, Delaware County, had his license automatically suspended based on a payment totaling \$100,000 having been made from the Real Estate Recovery Fund to satisfy the claim of Olubenga Olaniayn et. al and Danny Iyobhebhe, c/o Edwin Goldsmith, who has uncollectible civil judgments against Stephen Adesida.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Real Estate Commission's (Commission) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

JOSEPH J. MCGETTIGAN,  
*Chairperson*

[Pa.B. Doc. No. 11-1415. Filed for public inspection August 12, 2011, 9:00 a.m.]

## Bureau of Professional and Occupational Affairs v. Jessica Dougherty; File No. 09-56-07073

On May 25, 2011, Jessica Dougherty, license no. RS278950, of Mount Carmel, Northumberland County, had her license revoked based on her guilty plea to Medicaid Fraud-Services Not Rendered and Theft by Deception, felonies and for her failure to notify the State Real Estate Commission (Commission) within 30 days of her guilty pleas.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the Commission's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Commission counsel.

JOSEPH J. MCGETTIGAN,  
*Chairperson*

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