

# PENNSYLVANIA BULLETIN

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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 4622, 4852, 4853, 4944, 4945, 4946, 5063, 5154,  
 5359, 5746, 5955, 5956, 6085, 6196, 6203, 6212,  
 6213, 6379, 6669, 6670, 6671, 6767, 6877, 6966

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 1 ]

[ EXECUTIVE ORDER NO. 2011-08 ]

#### Interagency Coordination Advisory Group for Economic Development

October 6, 2011

*Whereas*, the success and prosperity of Pennsylvania citizens depends on a robust economic climate; and

*Whereas*, one of the crucial roles of government is to improve the lives of its citizens by fostering an environment conducive to economic development, infrastructure development, investment and job growth; and

*Whereas*, Pennsylvania government recognizes that economic viability cannot be ensured or sustained when founded on taxation rather than the creation of economic growth and opportunities; and

*Whereas*, inconsistent interpretation of regulations, duplication of governmental programs, and the provision of inefficient government services discourages entrepreneurship, private innovation, investment and successful economic development in the commonwealth; and

*Whereas*, a government that optimizes consistent and strategic inter-agency cooperation to ensure that entrepreneurs and job creators are treated in a predictable and positive manner, with the highest standards of customer service, is one that will attract and foster investment and innovation; and

*Whereas*, interagency identification of key economic indicators, across commonwealth agencies and sectors, is crucial to targeting investments and reforms and measuring impacts to drive economic growth; and

*Whereas*, coordinated governmental policy will result in improved management and productivity for commonwealth economic development programs, more efficient use of scarce resources, greater consistency in implementation of economic policies and improvement of cross-agency functional performance; and

*Whereas*, identifying and prioritizing ways to enhance, attract and bolster the economic underpinnings and opportunities in the commonwealth will encourage investment from all levels of the private sector; and

*Whereas*, a coordinated interagency economic development strategy will result in improved economic growth, the strengthening of neighborhoods and communities, and a better quality of life for all Pennsylvanians.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Interagency Coordination Advisory Group for Economic Development (the "Economic Advisory Group"), and do order and direct as follows.



Governor

**Fiscal Note:** 2011-08. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

## Subchapter TT. (Reserved)

## §§ 1.551—1.558. (Reserved).

Subchapter WW. INTERAGENCY COORDINATION ADVISORY  
GROUP FOR ECONOMIC DEVELOPMENT

Sec.	
1.581.	Purpose.
1.582.	Responsibilities.
1.583.	Composition.
1.584.	Cooperation by State agencies.
1.585.	Effective date.
1.586.	Termination date.
1.587.	Rescission.

**§ 1.581. Purpose.**

The purpose of the Interagency Coordination Advisory Group for Economic Development is solely for providing recommendations and input to the Governor or to the appropriate Commonwealth agency, or both, regarding best practices for policies and strategies to promote the coordination of economic priorities in the Commonwealth.

**§ 1.582. Responsibilities.**

The Interagency Coordination Advisory Group for Economic Development does not have authority to make binding recommendations but shall recommend means for agencies or the Governor to achieve the following goals:

(1) Facilitate interagency coordination of policies and programs affecting Pennsylvania's competitive business climate, with a goal of spurring economic growth, job creation and retention of businesses.

(2) Coordinate agency understanding and usage of programs and policies to ensure an environment that promotes job creation, community development and economic growth, through streamlined and effective customer service.

(3) Integrate and reassess the Commonwealth's economic development policies.

(4) Coordinate uniform standards for government accountability in the administration of policies and programs that address job creation and community and economic development.

(5) Coordinate infrastructure development, including fiber optics, cell phone coverage, the power grid, pad ready sites, roads, water, sewer and other utilities.

(6) Coordinate and customize workforce development programs across Commonwealth agencies to recognize efficiencies and eliminate redundancies.

(7) Enhance and streamline the permitting processes across agencies to maximize customer service while maintaining or improving regulatory oversight.

(8) Ensure flexibility in State government necessary to adapt to changes in economic conditions.

**§ 1.583. Composition.**

The Interagency Coordination Advisory Group for Economic Development (Economic Advisory Group) will consist of the following members, each of whom will be appointed by and serve at the pleasure of the Governor:

(1) The Secretary of the Department of Community and Economic Development, who will chair the Economic Advisory Group.

(2) A representative from the Department of Agriculture.

- (3) A representative from the Department of Education.
- (4) A representative from the Department of Environmental Protection.
- (5) A representative from the Department of Labor and Industry.
- (6) A representative from the Department of Transportation.
- (7) A representative from the Department of Revenue.
- (8) A representative from the Department of Conservation and Natural Resources.
- (9) The director of the Governor's Action Team or a designee.
- (10) The director of the Governor's Policy Office or a designee.
- (11) The Governor's Chief of Staff or a designee.

**§ 1.584. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance, staff and other support as needed by the Interagency Coordination Advisory Group for Economic Development to carry out its functions effectively.

**§ 1.585. Effective date.**

This subchapter takes effect immediately.

**§ 1.586. Termination date.**

This subchapter remains in effect unless revised or rescinded by the Governor.

**§ 1.587. Rescission.**

Executive Order 2004-9 is rescinded.

[Pa.B. Doc. No. 11-2212. Filed for public inspection December 30, 2011, 9:00 a.m.]

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# THE COURTS

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Promulgation of Rule of Criminal Procedure 301; No. AD-13-2011

#### Administrative Order

*And Now*, this 21st day of October, 2011, *It Is Hereby Ordered That* the following Lehigh County Rule of Criminal Procedure 301 (Accelerated Rehabilitative Disposition in Summary Cases) be and the same is hereby *Adopted*:

#### **Leh.R.Cr.P. 301. Accelerated Rehabilitative Disposition in Summary Cases.**

A. A defendant charged with a summary offense or offenses under 18 Pa.C.S. §§ 6307, 6308 and/or 6310.3, the Underage Drinking offenses, eligible for A.R.D. in Lehigh County, may request admission into this program by making an application on a form which complies with Part B of this local rule, to the Magisterial District Judge (M.D.J.) within ten (10) days of receipt of the citation or summons. This period may be extended by the M.D.J. for good cause shown. When an application is received, the M.D.J. shall forward same to the District Attorney who shall either approve or disapprove the defendant for summary A.R.D. within five (5) court days and provide notice of same to the M.D.J. in writing.

If the District Attorney disapproves the application, the District Attorney shall set forth the reason on the notice to the M.D.J., and the prosecution will proceed under the Pa.Rs.Crim.P. applicable to the summary case.

If the District Attorney approves the application, the District Attorney shall forward a copy of the approval notice sent to the M.D.J. to the Juvenile Probation Officer of Lehigh County, and the M.D.J. shall, in a court proceeding in the presence of the defendant, and counsel, if any, admit the defendant into the Summary A.R.D. Program under the terms set forth in Part C of this local rule.

B. The Application for Summary A.R.D. shall include the following:

1. A statement by the defendant subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, that the defendant has not previously been placed in an A.R.D. program nor previously convicted of an offense under 18 Pa.C.S. §§ 6307, 6308 or 6310.3.

2. A statement by the defendant specifically waiving all applicable statutes of limitations and rights to a speedy trial under any applicable Federal or State constitutional provision, statute or rule of court during the period of the application and/or enrollment in the program, and agree to abide by all terms, conditions and monetary obligations imposed of the program.

3. If the defendant is represented by counsel, counsel must sign the application and certify that counsel has reviewed the requirements of the program and application with the defendant.

C. The Conditions of the Summary A.R.D. program shall include:

1. The Defendant shall be responsible for and pay the costs of the program and the administrative expenses taxable for summary case A.R.D. Those costs and expenses shall be \$60.00 for the A.R.D., and an Expungement Fee of \$87.65, or in such amounts and for such purposes, as subsequently approved by the President Judge by Administrative Order. The A.R.D. costs shall be payable at the time of entry into the program. These costs do not include any further assessments as set forth in the subsequent provisions of this section.

2. The term of the summary case A.R.D. program shall be six (6) months, unless earlier completed as certified by the Juvenile Probation Officer.

3. The defendant shall attend and successfully complete the Lehigh County Juvenile Probation Office's Underage Drinking Program, and pay the costs of same. If drug or alcohol evaluation or treatment are required, the program may be extended to insure compliance with these requirements.

4. The defendant shall be responsible for and pay restitution as imposed in the case.

5. The defendant shall abide by the Rules and Regulations established by the Juvenile Probation Office for persons in this program.

D. Administration of the Summary A.R.D. program:

1. The Juvenile Probation Office shall administer the program for all defendants admitted thereto.

2. Upon successful completion of the program, including payment of all applicable costs, expenses and restitution, including the expungement fee if not previously paid, the Juvenile Probation Officer shall notify the M.D.J. of that fact and the M.D.J. shall dismiss the charges.

3. The Juvenile Probation Officer shall provide a certification of each defendant who successfully completes the program and that certification shall explain the law and procedure regarding the right of the defendant to expungement in Common Pleas Court.

4. If the defendant fails to abide by the terms of the program, the Juvenile Probation Officer shall notify the M.D.J. of that fact, and the case will proceed under the Pa.Rs.Crim.P. applicable to the summary case.

4. The Juvenile Probation Office shall maintain a record of the cases it administers under this program which record shall be confidential and only accessible for purposes of determining a defendant's eligibility for A.R.D.

5. Each M.D.J. shall submit a monthly report to the District Attorney and the Juvenile Probation Officer of cases during the previous month where a summary A.R.D. application has been made, summary A.R.D. has been granted by the M.D.J. and where summary A.R.D. has been denied or terminated, either successfully or unsuccessfully. The District Attorney and the Juvenile Probation Officer shall notify the Magisterial District Judge Administrator promptly of any M.D.J. who fails to file a monthly report on or before the 15th day of each month for the prior month's activities.

*Comment:* This Rule complements existing Leh.R.Crim.P. 300.

This Order shall take effect thirty (30) days after its publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered That* one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

*By the Court*

CAROL K. MCGINLEY,  
*President Judge*

[Pa.B. Doc. No. 11-2213. Filed for public inspection December 30, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 51 ]

#### General Provisions; Administrative Provisions

The Fish and Boat Commission (Commission) amends Chapter 51 (relating to administrative provisions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code). The amendments modify and update the Commission's regulations pertaining to public comments at meetings.

##### A. Effective Date

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

##### B. Contact Person

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

##### C. Statutory Authority

The amendments to § 51.7 (relating to public comments at Commission meetings) are published under the statutory authority of 65 Pa.C.S. § 710 (relating to rules and regulations for conduct of meetings) and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

##### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's administrative regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

##### E. Summary of Changes

In 1994, the Commission adopted the regulation pertaining to public comments at Commission meetings. Since that time, the way in which the Commission and its committees have handled public comments has changed and the regulation did not reflect current Commissioner thinking or practice. The Commission has always valued public input. Therefore, it is logical that the Commission and its committees follow a uniform method for soliciting and receiving public comments at meetings. It also is logical that the Board and committees receive and consider public comments prior to deliberating and voting.

The Commission therefore amends § 51.7 to read as set forth in the proposed rulemaking published at 41 Pa.B. 2977 (June 11, 2011).

##### F. Paperwork

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

##### G. Fiscal Impact

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

##### H. Public Involvement

Notice of proposed rulemaking containing the proposed amendments was published at 41 Pa.B. 2977. The Commission did not receive public comments concerning the proposed rulemaking.

##### Findings

The Commission finds that:

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

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

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

##### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 51, are amended by amending § 51.7 to read as set forth at 41 Pa.B. 2977.

(b) The Executive Director shall submit this order and 41 Pa.B. 2977 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 41 Pa.B. 2977 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-227 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-2214. Filed for public inspection December 30, 2011, 9:00 a.m.]

### FISH AND BOAT COMMISSION [ 58 PA. CODE CHS. 53, 97 AND 111 ] General Provisions; Boating

The Fish and Boat Commission (Commission) amends Chapters 53, 97 and 111 (relating to Commission property; operator provided equipment; and special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission's property and boating regulations.

##### A. Effective Date

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



### B. Contact Person

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

### C. Statutory Authority

The amendment to § 53.2 (relating to camping and cooking) is published under the statutory authority of section 741 of the code (relating to control of property). The amendments to §§ 97.3 and 97.5 (relating to sound producing devices; and visual distress signals) are published under the statutory authority of section 5123(a)(5) of the code (relating to general boating regulations). The amendments to §§ 111.31 and 111.43 (relating to Huntingdon County; and Mercer County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's property and boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. The Commission solicited the advice and opinion of its Boating Advisory Board on the proposed amendments prior to final adoption.

### E. Summary of Changes

(1) On October 4, 1976, the Commission established the Natural Access Area Program (Program) to make available public fishing and boating opportunities to some of the most scenic and inaccessible waterways within this Commonwealth. The Commission established rules and regulations for access areas designated under the Program and a special use permit for overnight camping at a cost of \$2 per boat. On July 29, 1977, the Commission entered into an agreement with the Department of Environmental Resources to establish the Allegheny River State Park in Venango County as the first primitive rest stop access under the Program.

The Commission has not entered into other agreements or established other properties under the Program nor has it collected permit fees from the Program. A variety of agencies and organizations currently offer primitive access opportunities across this Commonwealth with accompanying regulations, enforcement and management. The Commission will continue to provide assistance for the development of primitive access for public fishing and boating opportunities. However, the Commission has discontinued the Program and amends § 53.2 to read as set forth in the proposed rulemaking published at 41 Pa.B. 2978 (June 11, 2011).

(2) The Commission's current regulations are consistent with Inland Navigation Rule 32, Part D—Sound and Light Signals, regarding required sound equipment for boats. However, the Commission's use of "oral" in describing the requirement for unpowered boats may be misconstrued as meaning shouting or whistling as being an acceptable sound signal. The Commission has clarified the requirement by adding a statement indicating that an athletic coach's whistle is an acceptable sound producing device for unpowered boats. Additionally, the Commission has included a prohibition against the use of sound signals except in the case of an emergency. The Commission amends § 97.3 to read as set forth in the proposed rulemaking.

(3) The Commission's regulation for visual distress signals (VDS) is consistent with 33 CFR 175.125 (relating to serviceability) requiring that VDS must be in serviceable condition. However, there is not a definition for "serviceable" as it relates to inspecting VDS. The Commission therefore defines "serviceable" based on the standards used by the United States Coast Guard, Boating Safety Division. The Commission amends § 97.5 to read as set forth in the proposed rulemaking.

(4) During the summer of 2010, the United States Army Corps of Engineers (Corps) jointly developed a plan that recommends changes to enhance recreation on the lake. The Corps' goals for Lake Raystown are to reduce the costs of the buoy program by transferring costs to parties who benefit, eliminate buoys that are redundant to Commission regulations, replace buoys with signage and analyze existing lake zoning versus observed usage patterns. As a result, the plan recommends eliminating the "slow, no wake speed" designation in the areas of Hawns Run Cove and Anderson Bay.

The narrow geography of Hawns Run Cove already restricts a portion of the cove to slow, no wake according to Commission regulations and Anderson Bay is more frequently used by trolling anglers rather than recreational boaters. Therefore, the Commission has removed the slow, no wake designation from both areas. The Commission amends § 111.31 to read as set forth in the proposed rulemaking.

(5) State Game Lands 270 contains approximately 300 acres of Lake Wilhelm. In 2006, electric motors were permitted on a sizeable part of Lake Wilhelm that runs through State Game Lands 270 from the old log boom to the State Propagation Area above the Sheakleyville Bridge. Currently, the area is posted with "Electric Motors Only" posters at the boat launches, Sheakleyville Bridge and the old boom which is now just a line of buoys. There was no Commission regulation prohibiting the operation of boats powered by internal combustion motors in this area. Therefore, the Commission has adopted an amendment prohibiting the operation of boats powered by internal combustion motors. The remainder of the lake is owned by the Department of Conservation and Natural Resources, Bureau of State Parks, and has a 20 horsepower restriction on it. The Commission amends § 111.43 to read as set forth in the proposed rulemaking.

### F. Paperwork

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

### G. Fiscal Impact

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

### H. Public Involvement

Notice of proposed rulemaking containing the proposed amendments was published at 41 Pa.B. 2978. The Commission received one public comment generally supporting the proposed amendment to § 97.3. The Commission did not receive public comments concerning the other proposed amendments. Copies of the public comments were provided to the Commissioners.

*Findings*

The Commission finds that:

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

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 97 and 111, are amended by amending §§ 53.2, 97.3, 97.5, 111.31 and 111.43 to read as set forth at 41 Pa.B. 2978.

(b) The Executive Director shall submit this order and 41 Pa.B. 2978 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 41 Pa.B. 2978 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-229 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 11-2215. Filed for public inspection December 30, 2011, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[ 58 PA. CODE CHS. 63 AND 65 ]**

**Fishing; General and Special Fishing Regulations**

The Fish and Boat Commission (Commission) amends Chapters 63 and 65 (relating to general fishing regulations; and special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

*A. Effective Date*

This final-form rulemaking will go into effect on January 1, 2012.

*B. Contact Person*

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

*C. Statutory Authority*

The amendments to §§ 63.43 and 65.24 (relating to fishing for bass during spring season; and miscellaneous special regulations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

*D. Purpose and Background*

In recent years, annual Commission biological assessment of catch rates of smallmouth bass in the lower Susquehanna River (below Sunbury) and in the lower Juniata River (below Newport) have fallen below reference catch rates of the middle to late 1990s. This has not been the case for other rivers or river reaches in this Commonwealth, including the West Branch of the Susquehanna River and the North Branch of the Susquehanna River. These decreases in catch rates have been attributed, in part, to decreases in production and survival of young.

Historically, reductions in smallmouth bass young-of-year indices could be explained, in part, by late spring river discharge. High late spring discharges tend to lead to reduced densities of young smallmouth bass, whereas lower spring discharges tend to lead to higher densities of young in summer assessments. Since 2002, while this pattern continued on the North Branch of the Susquehanna River, recruitment on the mainstem has been consistently below average. Since 2005, the Commission has documented that low flows and relatively warm water temperatures have been associated with high incidences of Columnaris bacterial disease in young-of-year bass. Columnaris is a common soil bacterium that typically does not appear unless fish are under some type of stress. Studies conducted by the United States Geological Survey in 2008 and 2009 have documented that low stream flows and warmer water temperatures are associated with relatively low dissolved oxygen levels in near shore nursery habitat for young-of-year bass. These conditions are typically associated with relatively high plant growth and point to possible nutrient loading concerns. Work continues to identify the causes of low recruitment and disease, with immediate solutions challenging a broad spectrum of scientists from state and Federal resource management agencies.

Reduced densities of smallmouth bass are likely to continue until survival of above average year classes persists through adulthood in the lower Susquehanna River and Juniata River. To preserve good quality fishing in the face of declining smallmouth bass abundance and provide for enhanced preservation of young fish recruiting to the population, the Commission amended § 65.24 to impose catch and release regulations on smallmouth and largemouth bass in portions of the Susquehanna River and Juniata River that were previously regulated under § 65.9 (relating to big bass special regulations). Currently, tournaments are prohibited during the bass spawning period in the spring, and during the remainder of the year only catch-measure-immediate release tournaments are permitted. The new regulations, which went into effect on June 11, 2011, apply to all species of black bass residing in the Susquehanna and Juniata Rivers to remain consistent with the way that black bass historically have been managed in these rivers.

For the previous reasons and as a result of the public comments received in response to the Commission's original notice of proposed rulemaking, the Commission proposed further changes to its regulations to address declining smallmouth bass populations. The proposed changes, which were published at 41 Pa.B. 2976 (June 11, 2011), included imposing a closed season for bass during the spawning period and extending the catch and release and closed season regulations into the tributaries to these rivers.

Specifically, the Commission proposed instituting a closed season from mid-April (12:01 a.m. the first Saturday after April 11) to mid-June (12:01 a.m. the first Saturday after June 11) on the lower Susquehanna and lower Juniata Rivers to reduce angling related stress during the spawning period which will provide additional protection to the bass populations of the main rivers. The Commission also proposed extending the catch and release and closed season regulations into the tributaries to further protect the mainstem fisheries as staff have documented that some bass do move into the tributaries from the rivers from time to time. This proposed action was also intended to simplify enforcement of the regulations for anglers fishing near the tributary mouths. The Commission proposed that the regulations extend to a point 1/2 river-mile upstream from the mouth of all tributaries to the affected reaches of the Susquehanna and Juniata Rivers.

The Commission considered the public comments and sought input from several guides who operate their businesses in the portion of the rivers affected by the proposed rulemaking. These discussions revealed that the major concern of the guides was the length of the proposed closed season. The Commission therefore made modifications to the proposed amendments upon final adoption.

*E. Summary of Changes*

On final adoption, the Commission amended § 65.24 to read as set forth in Annex A. Specifically, the Commission adopted the amendments as proposed except that it shortened the closed season. Instead of beginning at 12:01 a.m. the first Saturday after April 11, the closed season begins on May 1. For consistent application of seasonal restrictions, the Commission prohibited tournaments during the same period. The Commission also amended § 63.43 to read as set forth in the proposed rulemaking to clarify that it does not apply to portions of the Susquehanna and Juniata Rivers and their tributaries that are regulated under § 65.24.

*F. Paperwork*

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

*G. Fiscal Impact*

The final-form rulemaking will not have direct adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the general public. Some members of the private sector have asserted that the closed season during the spring spawning period will have negative financial implications for bass fishing tournament organizers, fishing guides and other fishing-related businesses.

*H. Public Involvement*

Notice of proposed rulemaking was published at 41 Pa.B. 2976. The Commission received over 50 public comments regarding the proposed rulemaking prior to the

formal public comment period. No comments were received during the formal comment period. The nature of the comments ranged widely. Most commentators were opposed to the closed season portion of the proposed rulemaking. Concerns were expressed by a number of businesses and guides regarding the economic impact of a closed season. Many commentators stated that the main problem with the rivers' fisheries is water quality rather than impacts from fishing. Another commented that the proposed amendments would be difficult to enforce. Some questioned whether the data and science are adequate to support the regulation. A number of commentators expressed their concerns with the impacts of guided fishing in the spring. Commentators expressed little concern with extending both the catch and release regulation and the closed season into the mouths of tributaries. Copies of the public comments were provided to the Commissioners. Additionally, on July 6, 2011, Commission staff met with several guides that operate their businesses in the portion of the Susquehanna and Juniata Rivers affected by the proposed rulemaking.

*Findings*

The Commission finds that:

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

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 63 and 65, are amended by amending § 63.43 to read as set forth at 41 Pa. B. 2976 and § 65.24 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director shall submit this order, 41 Pa.B. 2976 and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order, 41 Pa.B. 2976 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon January 1, 2012.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-230 remains valid for the final adoption of the subject regulations.

**Annex A**  
**TITLE 58. RECREATION**  
**PART II. FISH AND BOAT COMMISSION**  
**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

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

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—From May 1 to 12:01 a.m. the first Saturday after June 11—Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters.  Remainder of the year—No harvest—Catch and immediate release only; catch-measure-immediate release tournaments only.
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—From May 1 to 12:01 a.m. the first Saturday after June 11—Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters. Remainder of the year—No harvest—Catch and immediate release only; catch-measure-immediate release tournaments only.
* * * * *		

[Pa.B. Doc. No. 11-2216. Filed for public inspection December 30, 2011, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[ 58 PA. CODE CH. 97 ]**

**Boating; Operator Provided Equipment**

The Fish and Boat Commission (Commission) amends Chapter 97 (relating to operator provided equipment). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendment modifies and updates the Commission's boating regulations.

**A. Effective Date**

This amendment will go into effect on November 1, 2012, to allow adequate time to notify the public of the new requirement.

**B. Contact Person**

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

**C. Statutory Authority**

The amendment to § 97.1 (relating to personal flotation devices) is published under the statutory authority of

section 5123(a)(5) of the code (relating to general boating regulations).

**D. Purpose and Background**

The final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the amendment is described in more detail under the summary of change.

**E. Summary of Change**

In the past 15 years, a disproportionate number of recreational boating fatalities occurred in this Commonwealth from November through April primarily due to the effects of coldwater immersion. When water temperatures are less than 70° F, cold water shock is a major factor in boating fatalities. Cold water shock causes an involuntary gasp (often resulting in aspiration of water), hyperventilation, breathlessness and a reduced ability to control breathing and swim. Victims who wear personal flotation devices when exposed to cold water have potentially life-saving advantages such as insulation from the cold, buoyancy for victims who are unable to tread water and reduced risk of aspiration of water. In an effort to reduce the number of fatalities related to coldwater immersion, the Commission amends § 97.1, as set forth in the proposed rulemaking published at 41 Pa.B. 2975 (June 11, 2011), to require life jackets to be worn on small and

unstable boats during the period most noted for cold water temperatures, that is November 1 through April 30.

*F. Paperwork*

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

*G. Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose nominal costs on the private sector and the general public. The cost of personal flotation devices range from \$10 to \$150.

*H. Public Involvement*

Notice of proposed rulemaking soliciting public comments for a period of 60 days was published at 41 Pa.B. 2975. The Commission received a total of 42 comments—8 prior to, 28 during and 6 after the formal comment period. The majority of the comments oppose the proposed rulemaking with the primary reasons being unnecessary government regulation and intrusion on personal decision. Copies of all public comments were provided to the Commissioners.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 97, are amended by amending § 97.1 to read as set forth at 41 Pa.B. 2975.

(b) The Executive Director shall submit this order and 41 Pa.B. 2975 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 41 Pa.B. 2975 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on November 1, 2012.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-228 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-2217. Filed for public inspection December 30, 2011, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

### Fishing; Special Fishing Regulations

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

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

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

#### D. Purpose and Background

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

#### E. Summary of Proposal

Opossum Lake, a 59-acre impoundment owned by the Commission, is located in Lower Frankford Township, Cumberland County, approximately 6 miles west-northwest of the Borough of Carlisle. This lake was completely dewatered in 2008 to make dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. The dam, constructed in 1960, impounds Opossum Creek approximately 1/2 mile upstream from the mouth at Conodoguinet Creek. Access to the shoreline is primarily from the eastern shore where a paved road parallels 75% of this shoreline. Additionally, two concrete boat ramps provide boat access for nonpowered and electric motor craft. Prior to the drawdown, the lake offered angling opportunities for multiple warm and coolwater fish species and adult stocked trout originating from Commission spring, fall and winter plants. This is the second time the lake has been subject to a full drawdown, the first occurring in 1985. A successful grass roots effort was launched to secure funding to assist in the rebuilding of the dam structure. As a result, refilling of the lake is anticipated to begin in Spring 2012.

The Commission plans to reclaim the lake and establish a high quality warm and coolwater fishery through fingerling plants of select species and a 2-year morato-

rium on adult trout stocking. This approach is necessary to facilitate development of a self-sustaining shiner population, which will provide forage for game and panfish populations. The Commission proposes to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allow only catch and release fishing for all other fish species. The Commission believes this approach will allow the fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities.

The positive aspect of this proposed rulemaking is that the lake will provide anglers the opportunity to fish for adult trout beginning 2 years following refilling and provide immediate angling opportunities for warm and cool water fish populations as they grow and reach acceptable lengths for angling. The 2-year loss of recreational angling opportunities for stocked adult trout is a negative aspect of this restoration plan; however, the Commission believes that the benefits outweigh the short-term loss of recreation. Commission staff will monitor the fish populations and recommend appropriate special regulations prior to 2016 should the fish populations develop more quickly than anticipated. The black bass population previously residing in Opossum Lake was managed through the Big Bass Program. With respect to the catchable trout program, there are numerous alternative stream fishing opportunities throughout the Cumberland Valley and surrounding areas and several lakes in the area stocked with adult trout have been providing recreational angling opportunities during the current draw down period.

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

#### F. Paperwork

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

#### G. Fiscal Impact

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

#### H. Public Comments

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

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

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-233. No fiscal impact; (8) recommends adoption.

Annex A  
**TITLE 58. RECREATION**  
**PART II. FISH AND BOAT COMMISSION**  
**Subpart B. FISHING**  
**CHAPTER 65. SPECIAL FISHING REGULATIONS**

§ 65.24. **Miscellaneous special regulations.**

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

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
<b>Cumberland</b>	<b>Opossum Lake</b>	<p><b>All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed.</b></p> <p><b>Trout—Inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until June 18, 2016.</b></p>
	* * * * *	

[Pa.B. Doc. No. 11-2218. Filed for public inspection December 30, 2011, 9:00 a.m.]

# STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[ 49 PA. CODE CH. 37 ]  
**Qualifications for Licensure**

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) proposes to amend §§ 37.1, 37.31—37.33, 37.36, 37.37 and 37.47—37.49 to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

Section 4(l) of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P. S. § 151(l)) authorizes the Board to promulgate regulations that it deems necessary and proper for enforcement of the act.

*Background and Need for the Rulemaking*

The act of May 12, 2010 (P. L. 192, No. 25) (Act 25) amended section 4.4 of the act (63 P. S. § 151.4) to provide for certification of geologists-in-training, in addition to licensure of professional geologists. This two-stage process is analogous to the two-stage processes for certification of engineers-in-training and licensure of professional engineers and for certification of surveyors-in-training and licensure of professional land surveyors. Additionally, in looking at and amending its regulations

concerning the licensure process for geologists in response to Act 25, the Board also reviewed its regulations concerning the licensure process for engineers and land surveyors and concluded that it should also update those regulations to conform to current administrative practice.

*Description of Proposed Amendments*

§ 37.1. *Definitions*

Section 37.1 defines words and phrases used in Chapter 37. To simplify the organizational structure of Chapter 37, the proposed rulemaking would delete the following definitions and incorporate the amended definitions into the text of the one or two sections where the terms are used: “engineering curriculum,” “professional geologic work,” “progressive experience in engineering work,” “progressive experience in surveying work,” “progressive teaching experience,” “responsible position,” “similarly qualified engineer” and “similarly qualified surveyor.” The Board proposes to incorporate these definitions in §§ 37.31, 37.36, 37.37 and 37.47, as applicable.

The proposed rulemaking would add a definition for “NCEES,” which is the acronym of the National Council of Examiners in Engineering and Surveying (NCEES). NCEES is the National organization of licensing boards and section 4(k) of the act authorizes the Board to be a member of NCEES. The proposed rulemaking would also add a definition for “ABET,” which is the acronym of the organization formerly known as the Accreditation Board of Engineering and Technology, Inc. (ABET). ABET, an affiliate of NCEES, accredits undergraduate engineering programs. Finally, the proposed rulemaking would include a definition for “ASBOG,” which is the acronym for the National Association of State Boards of Geology.

§ 37.31. *Requirements for certification as an engineer-in-training and for licensure as a professional engineer*

Section 37.31 is a companion regulation to section 4.2 of the act (63 P. S. § 151.2), which sets forth the requirements for certification as an engineer-in-training (EIT) and licensure as a professional engineer. The proposed

rulemaking would reorganize and retitle § 37.31 and provide updated interpretative guidance about the education and experience requirements for nongrandfather applicants for EIT certification and professional engineer licensure. Section 4.2 of the act was added by the act of December 19, 1990 (P. L. 782, No. 192) (Act 192). Act 192 provides that section 4.2 of the act applies to candidates who received qualifying academic degrees on or after June 30, 1994, or who began receiving qualifying experience on or after February 19, 1991. Other candidates would be evaluated according to requirements in existence as of February 18, 1991, the day prior to the effective date of Act 192. Those requirements would now be in § 37.33 (relating to grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer).

The introductory paragraph of existing § 37.31 provides that a candidate for licensure as a professional engineer shall pass the fundamentals of engineering examination (FE examination) and become certified as an EIT, and that a candidate who is certified as an EIT retains this status without time limitation until the candidate becomes licensed as a professional engineer. The proposed rulemaking would replace that introductory paragraph and provide that the requirements in § 37.31 apply to a candidate who received a qualifying academic degree or began obtaining qualifying experience by the dates previously stated.

Current § 37.31(1) provides that a candidate for certification as an EIT shall meet qualifying education or experience requirements. Subparagraph (i) provides that qualifying education for an EIT candidate is graduation from an approved engineering curriculum of 4 or more years. "Engineering curriculum" is currently defined in § 37.1 (relating to definitions) as a curriculum of 4 or more years approved by a National accrediting association recognized by the Board. Because there are no other National organizations that accredit engineering programs, the Board has always intended this definition to encompass accreditation by ABET or its predecessors, but no others. Current § 37.1 also defines "engineering curriculum" in the case of a degree awarded by a foreign institution as a curriculum of 4 or more years that a Board-recognized professional credentials evaluation service determines to be equivalent to a bachelor's degree from a college or university in the United States. Third- and fourth-year students in approved engineering programs within the United States are permitted to sit for the FE examination, but they are not eligible for EIT certification until they provide proof of graduation. Subparagraph (ii) provides that qualifying experience for an EIT candidate is 8 or more years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. "Progressive experience in engineering work" in the context of EIT certification is currently defined in § 37.1 as experience of a grade and character that enables the candidate to learn through practice the principles of mathematics and science attained through formal education.

The proposed rulemaking would amend § 37.31(1) to provide that a candidate for EIT certification shall be a person of good moral character and pass the FE examination. Good moral character is a prerequisite for licensure as a professional engineer under section 4(b) of the act. Because EIT certification is a condition precedent to licensure, it follows that an EIT candidate be a person of good moral character. The proposed rulemaking would further provide that a candidate may not be admitted to

the FE examination without possessing one of the qualifications in subparagraphs (i)—(iii). The proposed rulemaking would amend § 37.31(1)(i) to provide that a candidate may qualify for the FE examination through graduation from an undergraduate engineering program in the United States approved by ABET or from a foreign undergraduate engineering program approved by ABET's Engineering Credentials Evaluation International (ECEI) or by NCEES's Center for Professional Engineering Education Services (CPEES) as substantially equivalent to ABET approval. A federation of professional and technical societies, ABET is a Nationally-recognized accrediting body that accredits undergraduate programs offered by colleges and universities in the United States in the areas of applied science, computing, engineering and technology. The Board, like engineering licensing bodies in other states, relies on ABET accreditation in determining the quality of undergraduate engineering programs in the United States. Although ABET does not accredit engineer programs offered in other countries, it has entered into a number of mutual recognition agreements that recognize the substantial equivalency of engineering programs in other countries. NCEES, the National umbrella group of state licensing boards for engineers and land surveyors, is one of the member societies of ABET and its predecessor was one of the founders of the original predecessor of ABET. ABET's subsidiary, ECEI, and NCEES's affiliate, CPEES, both evaluate the academic qualifications of engineering candidates educated outside the United States against prescribed substantial equivalency criteria. The Board relies on evaluations by ECEI and CPEES in assessing the quality of a candidate's engineering education from a foreign institution. A candidate who is a third- or fourth-year student in an ABET-approved engineering program in the United States may, with the Board's permission, be admitted to the FE examination, but will not be issued EIT certification without proof of graduation.

The proposed rulemaking would replace current § 37.31(1)(ii) with a provision that would permit a candidate to qualify for the FE examination through graduation from a graduate-level engineering curriculum from a college or university in the United States that has an ABET-approved undergraduate curriculum in the same engineering discipline, provided the candidate has completed basic engineering courses. This provision, which codifies the Board's longstanding interpretation of section 4.2 of the act, reflects the fact that a candidate with a graduate degree in engineering but without an undergraduate degree from an ABET-approved program may nevertheless have satisfactory academic preparation to be admitted to the FE examination. Although ABET does not accredit graduate-level engineering programs, a graduate-level engineering program at a college or university that has an ABET-accredited undergraduate program in the same engineering discipline is likely to be of similar quality. Requiring a candidate with a graduate degree in engineering to demonstrate completion of basic engineering courses provides an additional level of assurance about the candidate's academic preparation. It also allows the Board to consider a candidate whose undergraduate degree is not in an engineering discipline. The proposed rulemaking would amend and relocate current § 37.31(1)(ii) to proposed § 37.31(1)(iii), which would permit a candidate to qualify for the FE examination based upon section 4.2(b)(1)(ii) of the act by having 8 years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. The experience must be of a quality and



character that reflects a candidate's mastery of relevant mathematical and scientific principles. One or more years of academic training in engineering subjects may be applied towards the experience requirement.

Current § 37.31(2) provides that a candidate for licensure as a professional engineer shall possess EIT certification and have qualifying work experience or teaching experience, obtained after EIT certification, for admission to the principles and practices of engineering examination (license examination). Subparagraph (i) provides that qualifying work experience consists of 4 or more years of progressive experience in engineering work under the supervision of professional engineer, or similarly qualified engineer, that is of a grade and character that permits the candidate to assume responsible charge of the work involved in the practice of engineering. "Similarly qualified engineer" is currently defined in § 37.1 as a nonlicensee who, by means of education and experience, has attained a level of expertise in a recognized branch of engineering that the Board considers sufficient for purposes of supervising a licensure candidate's progressive work experience. Experience deemed unacceptable includes sales, construction and nondesign work that does not involve the use of engineering knowledge and principles; the mere selection of data or equipment from a company catalog or similar publication; the mere execution of work as a superintendent; and the operation and maintenance of machinery and equipment. Work segments of less than 6 months' duration must be supported by adequate references. Subparagraph (ii) provides that qualifying teaching experience consists of 4 or more years of progressive teaching experience under the supervision of a professional engineer, or similarly qualified engineer, that is of a grade and character that permits the candidate to assume responsible charge of the work involved in the practice of engineering. "Progressive teaching experience" is currently defined in § 37.1 as a full-time faculty position that includes teaching third-year, fourth-year or graduate-level engineering courses, covering the breadth and depth of the curriculum.

The proposed rulemaking would amend § 37.31(2) to provide that a candidate for licensure as a professional engineer be a person of good moral character, be certified as an EIT and pass the license examination in one of the branches of engineering. The proposed rulemaking would further provide that a candidate may not be admitted to the license examination without having acquired the experience qualifications in subparagraph (i) or (ii) between the time of issuance of EIT certification and the submission of an examination application, as is required under section 4.2(c)(1) of the act. The proposed rulemaking would amend § 37.31(2)(i) to provide that a candidate may qualify for the license examination by meeting the requirement in section 4.2(c)(1) of the act of 4 years of progressive experience in a major branch of engineering under the supervision of a professional engineer licensed in the United States or an engineer who, through education and experience, possesses the equivalent level of expertise as that of a professional engineer licensed in the United States. The experience must be of a grade and character to enable the candidate to assume responsible charge of the work involved in the practice of engineering. Proposed § 37.31(2)(i) would retain the categories of unacceptable work experience and would require a candidate to support all work experience, regardless of duration, with appropriate references.

The proposed rulemaking would amend § 37.31(2)(ii) to provide that a candidate may qualify for the license examination by having 4 years of progressive, full-time

teaching experience in an ABET-approved engineering curriculum under the supervision of a professional engineer or an engineer who, through education and experience, has the equivalent level of expertise as that of a professional engineer. The teaching experience must include courses at the third-year, fourth-year or graduate level, covering the breadth and depth of the curriculum and be of a grade and character to prepare the candidate to assume responsible charge of engineering work. The requirement that the teaching experience be obtained in an ABET-approved engineering program provides an additional level of quality assurance since ABET accreditation includes an evaluation of faculty qualifications.

The proposed rulemaking would add paragraph (3), which would provide that a graduate degree may be substituted for each year of experience required under § 37.31(2)(i) and (ii), up to a maximum of 2 years, if the following conditions are met: the degree is from an academic institution that has an ABET-approved undergraduate curriculum; the degree is in the same discipline as the earned undergraduate degree; and the academic time is not concurrent with earned experience. This provision tracks section 4.2(d) of the act, which was added by the act of November 25, 2003 (P. L. 210, No. 35).

*§ 37.32. References for certification as an engineer-in-training or licensure as a professional engineer*

Section 37.32 requires a candidate for licensure as a professional engineer, as well as a candidate for EIT certification based on experience, to submit five references to support the candidate's experience qualifications, including three references who are professional engineers licensed in the United States and not related to the applicant. In the case of a candidate for licensure as a professional engineer, the professional engineer references shall include those who directly supervised the candidate's experience. The Board will not review an application until all references have been received. If a reference reflects adversely on a candidate's experience or character, the Board may conduct an investigation into the matter and, based on the results of the investigation, require the candidate to submit additional references.

The proposed rulemaking would retitle and reorganize § 37.32. Proposed § 37.32(a) would clarify that references shall be able to vouch for the candidate's good moral character as well as verify the candidate's experience. References who are not professional engineers shall be professional land surveyors, professional geologists or unlicensed engineers who, through education and expertise, have an equivalent level of expertise as that of a professional engineer. References who are not professional engineers also shall submit curricula vitae. Requiring higher standards for references who are not professional engineers increases the likelihood that they can provide the Board with meaningful assessments of the candidate's fitness for professional practice. Proposed § 37.32(b) would restate the current language regarding the prerogative of the Board to conduct further investigation into a candidate's character and qualifications when a reference provides an adverse assessment and, if necessary, to direct the candidate to submit additional references.

*§ 37.33. Grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer*

Section 37.33 currently provides a cross reference to the "grandfather" provisions for certification as an EIT and licensure as a professional engineer under a prior version of the act. The proposed rulemaking would replace the

cross reference with the actual requirements in effect as of February 18, 1991, which, until now, had been reproduced by the Board in booklet form and available on its web site but which has not previously appeared in the Board's regulations. Proposed subsection (a) provides that these grandfather requirements apply to a candidate who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991.

Proposed subsection (b) would provide that a candidate for certification as an EIT shall be of good moral character and pass the FE examination, except that a candidate who received a qualifying academic degree before July 1, 1968, is not required to pass the FE examination. To be admitted to the FE examination, a candidate shall possess one of the following qualifications: (1) graduation from an undergraduate engineering program in the United States approved by ABET or graduation from a foreign undergraduate engineering program recognized by ECEI or CPEES as substantially equivalent to ABET approval; (2) graduation from a graduate-level engineering curriculum in the United States that has an ABET-approved undergraduate program in the same discipline; or (3) 4 years of experience in engineering work, having acquired knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum.

The grandfather requirements for EIT certification principally differ from current requirements in that the FE examination is waived for a candidate with a qualifying academic degree before July 1, 1968. A candidate who lacks a qualifying academic degree shall show only 4 years of qualifying experience rather than 8 years and a candidate may not take the FE examination while still a student.

Proposed subsection (c) would provide that a candidate for licensure as a professional engineer shall be of good moral character and pass the license examination. To be admitted to the license examination, a candidate shall possess one of the following sets of qualifications: (1) EIT certification and 4 years of progressive engineering or teaching experience, in the case of a candidate who is a graduate of an approved engineering curriculum under subsection (b)(1) or (2); or (2) successful completion of the FE examination and 8 years of progressive engineering experience (excluding the experience required to sit for the FE examination) in the case of a candidate who is not a graduate of an approved engineering curriculum under subsection (b)(1) or (2). The engineering and teaching experience must meet the standards applicable to regular candidates that are in § 37.31(2) (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer). However, a candidate may not substitute a graduate-level engineering degree for any part of the requirements.

The grandfather provisions for licensure as a professional engineer principally differ from current requirements in that a candidate may obtain qualifying experience prior to EIT certification, a candidate who lacks a qualifying academic degree shall show 8 years of qualifying experience and education (excluding that required to sit for the FE examination) and a candidate may not use a graduate-level degree as a substitute for qualifying experience.

*§ 37.36. Requirements for certification as a geologist-in-training and for licensure as a professional geologist*

Section 37.36 is a companion regulation to section 4.4 of the act, which took effect February 16, 1993, and sets forth the requirements for licensure as a professional geologist, as amended by Act 25 to provide for certification as a geologist-in-training (GIT). The proposed rulemaking would retitle § 37.36, reorganize the section for clarity, incorporate requirements for certification as a GIT and provide updated interpretive guidance of education and experience requirements.

The existing introductory paragraph of § 37.36 states that a candidate for licensure as a professional geologist shall be a person of good moral character, meet education and experience requirements and pass an examination adopted by the Board. The proposed rulemaking would replace the introductory paragraph and provide in subsection (a) that the requirements of this section apply to both candidates for certification as a GIT and for licensure as a professional geologist. Additionally, because section 4.4 of the act does not include a requirement that geology experience be obtained after being certified as a GIT, the introductory paragraph would provide that a candidate who meets the requirements may apply to sit for the principles and practice of geology examination to become licensed as a professional geologist at the same time as applying to sit for the fundamentals of geology examination (FG examination) to become certified as a GIT. These two examinations comprise "the examination adopted by the board" as provided in section 4.4(b)(4) of the act and are the two standardized examination components developed by ASBOG, the National organization of state geologist licensing boards.

Current § 37.36(1) sets forth three permissible education qualifications: (1) graduation from an institution of higher learning with a major in geology, geophysics, geochemistry or engineering geology, having completed 30 semester hours or 45 quarter hours in the major; (2) graduation from an accredited institution of higher learning in the United States that does not offer a major in geology, geophysics, geochemistry or engineering geology, having completed 30 semester hours or 45 quarter hours in equivalent geological education, including 24 semester hours or its equivalent in third-year, fourth-year or graduate-level courses; or (3) graduation from a foreign college or university with educational credentials that a Board-approved professional evaluation service deems the equivalent of bachelor's degree in geology, geophysics, geochemistry or engineering geology from an accredited institution of higher learning in the United States.

The proposed rulemaking would replace § 37.36(1) to provide in subsection (b) that a candidate for GIT certification shall be a person of good moral character and pass the FG examination. Good moral character is a prerequisite for licensure as a professional geologist under section 4(b) of the act. Because GIT certification, when granted, is a step in the licensure process, it follows that a GIT candidate shall be a person of good moral character. The proposed rulemaking would further provide that a candidate may not be admitted to the FG examination without possessing one of the educational qualifications in subsection (b)(1)(i)–(iii). The proposed rulemaking would repeat in subsection (b)(1)(i)–(iii) the current academic requirements for geologic education. It would amend subsection (b)(1)(i) and (ii) to include the opportunity to sit for the FG examination upon completing 2 years of the approved program, subject to certification as a GIT upon proof of graduation, as authorized by section 4.4(c)(2) of the act.

The proposed rulemaking also would identify in § 37.36(b)(1)(iii) the World Evaluation Service as one of the professional evaluation services approved by the Board for determining whether a candidate's degree from a foreign college or university is equivalent to a bachelor's degree in geology or related major from an accredited institution of higher learning in the United States. Proposed § 37.36(b)(2) would also provide that a candidate's formal education, whether obtained in the United States or abroad, shall include field geology and structural geology coursework that is sufficient to demonstrate that the candidate has educational experience in tectonics and fractured bedrock geology as well as the field methods needed to measure, map and evaluate geologic data. Proficiency in field geology and structural geology is not only necessary to pass the license examination, but it is also essential for general practice as a professional geologist.

Current § 37.36(2) provides that a candidate for licensure shall have at least 5 years of experience performing professional geological work, including 3 years under the supervision of a professional geologist (or other qualified unlicensed geologist if obtained before February 16, 1993) or 5 years in a responsible position. "Professional geological work" is currently defined in § 37.1 as the performance of geological work or service that requires the utilization, application and interpretation of fundamental and practical principles of geology. The term includes technical completeness reviews and inspections of unfinalized work product but not routine sampling, laboratory work and geological drafting. "Responsible position" is currently defined in § 37.1 as a job that requires the exercise of independent judgment, competence and accountability in the performance of professional geological work. A graduate degree in geology, geophysics, geochemistry or engineering geology may be substituted for each year of experience up to a maximum of 2 years.

The proposed rulemaking would provide in subsection (c) that a candidate for licensure as a professional geologist shall be a person of good moral character, be certified as a GIT and pass the principles and practice of geology examination. The proposed rulemaking would further provide that a candidate may not be admitted to the license examination without having acquired the experience qualifications in subsection (c)(1)(i), (ii) or (iii) prior to submission of an examination application. Those experience qualifications are as follows: (1) 5 years of experience performing geological services or work in a position that requires independent judgment, competence and accountability; (2) 5 years of experience performing geological services or work, including 3 years under the supervision of a professional geologist, except that experience acquired before February 16, 1993, may be under the supervision of a geologist who, through education and experience, possesses the equivalent level of expertise as that of a professional geologist; or (3) 5 years of progressive full-time teaching experience in a geologic curriculum, including senior-level and graduate-level coursework, at an accredited institution of higher learning. The requirements in subsection (c)(1)(i) are taken directly from section 4.4(c)(3) of the act, considering a responsible position in professional geological work to be one that requires independent judgment, competence and accountability. The requirements in subsection (c)(1)(ii) are taken directly from section 4.4(c)(3) of the act. The Board considers progressive full-time teaching experience in a geological curriculum to be the equivalent of performing professional geological services in a position that requires

independent judgment, competence and accountability. The proposed rulemaking also would provide that qualifying experience must reflect the utilization, application and interpretation of fundamental and practical principles of geological sciences and that it also must be of a grade and character to permit the candidate to assume responsible charge of the work involved in the practice of geology. The proposed rulemaking would further specify that acceptable experience may include technical completeness reviews or inspections of unfinalized work product, but that it may not include routine sampling, laboratory work and geological drafting. Proposed § 37.36(c)(2) also would retain the language regarding the permissible substitution of a relevant graduate degree for a year of required experience, as is suggested by section 4.4(c)(3) of the act.

*§ 37.37. References for licensure as a professional geologist*

Section 37.37 sets forth requirements regarding references for a candidate for licensure as a professional geologist. Subsection (a) provides that a candidate whose experience qualifications include 3 years of experience performing professional geological work under the supervision of a professional geologist or other qualified geologist shall submit three references who can attest to the candidate's moral character and verify the candidate's experience. The references should include the professional geologists or other qualified geologists who supervised the candidate's experience. The Board will not review an application until all references have been received. Subsection (b) provides that a candidate whose experience qualifications include 5 years of experience in a responsible position performing professional geological work shall submit three references who can attest to the candidate's good moral character and verify the candidate's experience. Subsection (c) provides that if a reference reflects adversely on a candidate's character or experience, the Board may conduct an investigation into the matter and, based on the results of the investigation, require the candidate to submit additional references.

The proposed rulemaking would retitle § 37.37 and reorganize it by deleting subsection (b) and redesignating subsection (c), with editorial changes, as proposed subsection (b). Subsection (a) would be amended to provide that a candidate shall submit as references at least three professional geologists who can attest to the candidate's good moral character and who either supervised the candidate or can otherwise verify the candidate's experience. A candidate may submit additional experience references who are professional engineers, professional land surveyors or unlicensed geologists who, through education and experience, have an equivalent level of expertise to that of a professional geologist. References who are not professional geologists shall submit *curricula vitae*. The higher standards for references should improve the assessments made of a candidate's fitness for professional practice.

*§ 37.47. Requirements for certification as a surveyor-in-training and for licensure as a professional land surveyor*

Section 37.47 is a companion regulation to section 4.3 of the act (63 P. S. § 151.3), which sets forth the requirements for certification as a surveyor-in-training (SIT) and licensure as a professional land surveyor. The proposed rulemaking would retitle and reorganize § 37.47 and provide updated interpretative guidance about the educational and experience requirements for nongrandfather candidates for SIT certification and professional land

surveyor licensure. Section 4.3 was added to the act by Act 192. Act 192 provided that the requirements in section 4.3 of the act (mistakenly referred to as section 4.1 of the act) apply to candidates who received qualifying academic degrees on or after June 30, 1994, or who began obtaining qualifying experience on or after February 19, 1991. Other candidates would be evaluated according to the requirements in existence as of February 18, 1991.

The introductory paragraph of current § 37.47 provides that a candidate for licensure as a professional land surveyor shall pass the fundamentals of surveying examination (FS examination) and become certified as an SIT and that a candidate who is certified as an SIT retains the status without time limitation until the candidate becomes licensed as a professional land surveyor. The proposed rulemaking would add a new introductory paragraph providing that the requirements in § 37.47 apply to a candidate who obtained a qualifying academic degree or who began obtaining qualifying experience on or after the dates previously stated.

Current § 37.47(1) provides that a candidate for certification as an SIT shall meet qualifying education or experience requirements. Subparagraphs (i) and (ii) provide that qualifying education of an SIT candidate is graduation from an approved engineering curriculum, including a minimum of 10 credit hours of instruction in surveying, or graduation from an associate's degree program in an approved surveying technology curriculum, respectively. Subparagraph (iii) provides that qualifying experience for an SIT candidate is 6 or more years of progressive experience in surveying work and knowledge, skill and education approximating that attained through graduation from an approved land surveying or civil engineering curriculum. "Progressive experience in surveying work" in the context of SIT certification is defined in § 37.1 as experience of a grade and character that enables the candidate to independently learn the surveying skills and principles of mathematics attained through an associate's degree program in surveying. Qualifying experience must show diversification between field and office work, with no less than 25% of the experience in either area.

The proposed rulemaking would amend § 37.47(1) to provide that a candidate for SIT certification shall be a person of good moral character and pass the FS examination. As with licensure as a professional engineer, good moral character is a prerequisite for licensure as a professional land surveyor under section 4(b) of the act. Inasmuch as SIT certification is a condition precedent to licensure, it follows that a candidate for SIT certification be a person of good moral character. The proposed rulemaking would further provide that a candidate may not be admitted to the FS examination without possessing one of the qualifications in subparagraphs (i)—(iv). The proposed rulemaking would amend § 37.47(1)(i) to provide that a candidate may qualify for the FS examination through graduation from an ABET-approved undergraduate civil engineering program in the United States that includes a minimum of 10 credit hours of instruction in surveying or through graduation from an ABET-approved undergraduate 4-year surveying curriculum in the United States. A third- or fourth-year student in an approved surveying program would be permitted to take the FS examination, but the student would not be eligible for SIT certification until after graduation. The proposed rulemaking would amend § 37.47(1)(ii) to provide that a candidate may qualify for the FS examination through graduation from an ABET-approved program in the United States that confers an associate's degree in sur-

veying. ABET accredits 2-year and 4-year surveying programs offered by institutions of higher learning in the United States. Although section 4.3 of the act does not specifically recognize graduation from a 4-year surveying program as qualifying education for SIT certification, recognition is implicit in the provision, added by the act of November 25, 2002 (P. L. 1113, No. 136), that authorizes surveying students who have completed at least 2 or more years of an approved curriculum to take the FS examination. The proposed rulemaking would amend § 37.47(1)(iii) to provide that the 6 years of qualifying experience for the FS examination may not only be equivalent to that attained through graduation from an approved land surveying or civil engineering program, but must also be of a grade and character that reflects the candidate's mastery of relevant surveying skills and principles of mathematics. The required diversification of experience between field and office work would be retained.

Current § 37.47(2) provides that a candidate for licensure as a professional land surveyor shall possess SIT certification and have qualifying work experience or teaching experience, obtained after SIT certification, for admission to the principles and practices of surveying examination (license examination). Subparagraph (i) provides that the qualifying work experience consists of 4 or more years of progressive experience in land surveying under the supervision of a professional land surveyor, or similarly qualified surveyor, that is of a grade and character that permits the candidate to assume responsible charge of the work involved in the practice of land surveying. "Similarly qualified surveyor" is currently defined in § 37.1 as a nonlicensee who has attained a level of expertise in land surveying by means of education and experience that the Board considers sufficient for purposes of supervising a licensure candidate's progressive work experience. Work segments of less than 6 months' duration must be supported by adequate references. Subparagraph (ii) provides that qualifying teaching experience consists of 4 or more years of progressive teaching experience in an approved curriculum under the supervision of a professional land surveyor, or similarly qualified surveyor, that is of a grade and character that permits the candidate to assume responsible charge of the work involved in the practice of land surveying.

The proposed rulemaking would amend § 37.47(2) to provide that a candidate for licensure as a professional land surveyor shall be a person of good moral character, be certified as an SIT and pass the license examination. The proposed rulemaking would further provide that a candidate may not be admitted to the license examination without having acquired the experience qualifications in subparagraph (i) or (ii) between the time of SIT certification and submission of an examination application, as is required under section 4.3(c)(1) of the act. Proposed amendments to § 37.47(2)(i) and (ii) would provide that a candidate may qualify for the license examination by having obtained 4 years of progressive work experience or 4 years of progressive full-time teaching experience in an approved surveying curriculum, respectively. The experience shall be obtained under the supervision of a professional land surveyor or a land surveyor who, through education and experience, possesses the equivalent level of expertise as that of a professional land surveyor, as is required under section 4.3(c)(1) of the act. The experience also must be of a grade and character to enable the candidate to assume responsible charge of the work involved in the practice of land surveying. The teaching

experience must include courses at the third-year, fourth-year or graduate-level and cover the breadth and depth of the curriculum.

§ 37.48. *References for certification as a surveyor-in-training or licensure as a professional land surveyor*

Section 37.48 requires a candidate for licensure as a professional land surveyor, as well as a candidate for SIT certification based on experience, to submit five references, including three professional land surveyors, who are qualified to evaluate the candidate's experience and who are not related to the candidate. The references must include professional land surveyors or professional engineers who directly supervised the candidate's work. The Board will not review an application until all references have been received. If a reference reflects adversely on the candidate's character or experience, the Board may conduct an investigation into the matter and, based on the results of the investigation, require the candidate to submit additional references.

The proposed rulemaking would retitle and reorganize § 37.48. Proposed § 37.48(a) would clarify that references shall be able to vouch for the candidate's good moral character as well as verify the candidate's experience. References who are not professional land surveyors shall be professional engineers, professional geologists or unlicensed surveyors who, through education and experience, have an equivalent level of expertise as that of a professional land surveyor. References who are unlicensed surveyors are required to submit curricula vitae. As with the engineering and geology professions, requiring higher standards for references will result in more meaningful assessments of a candidate's fitness for practice as a professional land supervisor. Proposed § 37.32(b) would restate the current language relating to the prerogative of the Board to conduct a further investigation into a candidate's character and experience when a reference provides an adverse assessment and, if necessary, to direct the candidate to submit additional references.

§ 37.49. *Grandfather requirements for licensure as a professional land surveyor*

Section 37.49 currently provides a cross reference to the grandfather requirements for licensure as a professional land surveyor under Act 192. The proposed rulemaking would delete the cross reference and instead set forth the grandfather requirements for professional land surveyor license candidates based on the version of the act in effect as of February 18, 1991. These requirements apply to a candidate who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991.

Proposed § 37.49(b) would provide that a candidate for licensure as a professional land surveyor shall be of good moral character and pass the FS and license examinations. To be admitted to the examinations, a candidate shall possess one of the following qualifications: (1) graduation from an ABET-approved undergraduate civil engineering curriculum in the United States, including a minimum of 10 credit hours of instruction in surveying, and 4 years of progressive experience in land surveying work; (2) graduation from an ABET-approved associate's degree curriculum in surveying and 4 years of progressive experience in land surveying work; or (3) 10 years of progressive experience in land surveying work, including 5 years in responsible charge of primary land surveying functions. Subsection (c) would set forth the experience requirements. The experience must have been obtained under the supervision of a professional land surveyor or a

land surveyor who, through education and experience, possesses the equivalent level of expertise as that of a professional land surveyor. The experience must be of a grade and character to enable the candidate to assume responsible charge of the work involved in the practice of land surveying. The experience must also reflect a diversification of field and office work, with no less than 25% of the experience in either area.

The grandfather requirements for licensure principally differ from the current requirements in that a candidate may take the FS and license examinations at the same time; there is not a provision for being certified as a SIT; there is not an education option that permits a surveying student to take the FS examination in advance of graduation; and there is not an experience option regarding teaching experience in an approved surveying curriculum.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would require the Board to make minor changes to its application forms. The proposed rulemaking would not have a fiscal impact on, or create additional paperwork for, the regulated community, the general public or the Commonwealth and its political subdivisions.

*Sunset Date*

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 15, 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 the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to the Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, ST-ENGINEER@pa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4711 (qualifications for licensure) when submitting comments.

THOMAS GILLESPIE, PG,  
*President*

**Fiscal Note:** 16A-4711. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

GENERAL PROVISIONS

§ 37.1. Definitions.

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

**ABET**—A Nationally-recognized accrediting body that accredits undergraduate engineering programs offered by colleges and universities in the United States. ABET was formerly known as the Accreditation Board for Engineering and Technology, Inc.

**ASBOG**—The National Association of State Boards of Geology.

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[ **Engineering curriculum**—A curriculum of 4 or more years approved by a National accrediting association recognized by the Board which leads to a baccalaureate degree. In the case of a degree issued from an institution outside of the United States, an engineering curriculum is a curriculum of 4 or more years which a Board recognized professional credentials evaluation service has determined to be equivalent to a baccalaureate degree issued from a college or university in the United States. ]

\* \* \* \* \*

**NCEES**—The National Council of Examiners for Engineering and Surveying.

[ **Professional geological work**—The performance of geological service or work, including technical completeness reviews or inspections of unfinalized work product, that requires the utilization, application and interpretation of fundamental and practical principles of the geological sciences in the practice of geology. The term does not include routine sampling, laboratory work or geological drafting.

**Progressive experience in engineering work**—Within the context of the engineer-in-training, experience of a grade and character sufficient to enable an individual to learn through practice the principles of math and science attained through formal education.

**Progressive experience in surveying work**—Within the context of a surveyor-in-training, experience of a grade and character sufficient to qualify an individual to personally and independently attain the equivalent surveying skills and math attained through an associate degree program in surveying.

**Progressive teaching experience**—Full-time faculty teaching experience, attained after the issuance of an engineer-in-training certificate or a surveyor-in-training certificate which includes teaching engi-

neering courses or land surveying courses at the junior, senior or graduate level, covering the breadth and depth of the curriculum.

**Responsible position**—A job which requires independent judgment, competence and accountability in the performance of professional geological work.

**Similarly qualified engineer**—A natural person who is not registered as a professional engineer in this Commonwealth, or in another jurisdiction which licenses professional engineers, who has attained a level of expertise in a recognized branch of engineering by means of experience and education which, in the opinion of the Board, would qualify the person to provide supervision of the applicant's progressive work experience in the major branch of engineering in which the applicant indicates proficiency.

**Similarly qualified surveyor**—A natural person who is not registered as a professional land surveyor in this Commonwealth, or in another jurisdiction which licenses professional land surveyors, who has attained a level of expertise in land surveying by means of experience and education which, in the opinion of the Board, would qualify the person to provide supervision of the applicant's progressive work experience in land surveying. ]

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REGISTERED PROFESSIONAL ENGINEERS

§ 37.31. [ Eligibility for certification or licensure, or both ] Requirements for certification as an engineer-in-training and for licensure as a professional engineer.

[ Before an applicant takes the examination for licensure as a professional engineer, the applicant shall satisfactorily complete the engineering fundamentals examination and become certified as an engineer-in-training. An applicant who is certified as an engineer-in-training shall remain certified without time limitation until the applicant becomes licensed as a professional engineer. ] The following requirements apply to a candidate who received a qualifying academic degree on or after June 30, 1994, or who began acquiring qualifying experience on or after February 19, 1991.

(1) **Engineer-in-training.** [ An applicant ] A candidate for certification as an engineer-in-training shall [ show satisfactory evidence to the Board of having met one of the following education or experience requirements: ] be of good moral character and satisfactorily complete the NCEES fundamentals of engineering examination. To qualify for the fundamentals of engineering examination, the candidate shall possess one of the following qualifications:

(i) [ **Education.** Graduation from an approved engineering curriculum of 4 or more years, except that an engineering student who has completed 2 or more years of an approved program in engineering may take the engineering fundamentals examination. The student is not eligible for certification as an engineer-in-training until proof of graduation is provided to the Board. ] Graduation from an undergraduate engineering curriculum in the United States approved by ABET or graduation from a foreign undergraduate engineering curricu-

lum recognized as substantially equivalent to ABET approval by ABET's Engineering Credentials Evaluation International or by NCEES's Center for Professional Engineering Education Services. A student who has completed 2 years in an ABET-approved undergraduate curriculum in the United States and has maintained current enrollment may, with Board approval, sit for the fundamentals of engineering examination, but will not be eligible for certification as an engineer-in-training until the student provides proof of graduation.

(ii) [*Experience.*] Graduation from a graduate-level engineering curriculum at a college or university in the United States that has an ABET-approved undergraduate curriculum in the same discipline, provided the candidate has completed basic engineering courses.

(iii) Eight [or more] years of progressive experience in engineering work and knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum. The experience must be of a grade and character sufficient to enable the candidate to independently learn through practice the principles of mathematics and science attained through formal education. Academic training in engineering subjects may be counted towards the experience requirement.

(2) *Professional engineer.* [An applicant] A candidate for licensure as a professional engineer shall be of good moral character, be certified as an engineer-in-training and [show satisfactory evidence to the Board of having met one of the following experience requirements:] satisfactorily complete the NCEES principles and practice of engineering examination in one of the branches of engineering. To qualify for the principles and practice examination, the engineer-in-training shall have obtained one of the following experience qualifications between the issuance of the engineer-in-training certificate and the submission of the examination application:

(i) [*Work experience.* Four or more years of progressive experience in engineering work performed after the issuance of the engineer-in-training certificate. The experience shall be obtained by working under the supervision of a professional engineer or a similarly qualified engineer, and shall be of a grade and character to qualify the applicant to assume responsible charge of the work involved in the practice of engineering. Experience of short periods of duration; that is, 6 months or less, which is used to comprise the minimum requirements shall be supported by adequate references. The experience shall be in the major branch of engineering in which the applicant indicates proficiency. For sales, construction and similar nondesign experience to be acceptable, an applicant shall demonstrate conclusively to the Board that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalog or a similar publication is not acceptable work experience. The mere execution as a contractor of work designed by a professional engineer, or the supervision of the construction of the work as a superintendent, or the operation or maintenance of machinery or equipment is not acceptable work experience.] Four years of progressive experience

in a major branch of engineering, acquired under the supervision of a professional engineer licensed in the United States or an engineer who, through education and experience, possesses the equivalent level of expertise as that of a professional engineer licensed in the United States. The experience must be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of the major branch of engineering in which the candidate indicates proficiency. For sales, construction and similar nondesign experience to be acceptable, the candidate shall demonstrate that engineering principles and engineering knowledge were actually employed. Unacceptable experience includes the selection of data or equipment from a company catalog or similar publication, the execution as a contractor of work designed by a professional engineer, the supervision of construction work as a superintendent and the operation or maintenance of machinery or equipment. The candidate shall support all work experience, regardless of duration, with adequate references.

(ii) [*Teaching experience.*] Four [or more] years of progressive full-time teaching experience in an ABET-approved engineering curriculum under the supervision of a professional engineer or [similarly qualified] an engineer who, through education and experience, possesses the equivalent level of expertise as a professional engineer. The [teaching] experience [shall] must include the teaching of engineering courses at the third-year, fourth-year or graduate level, covering the breadth and depth of the curriculum, and be of a grade [or] and character to qualify the [applicant] candidate to assume responsible charge of the work involved in the practice of engineering.

(3) A post-baccalaureate engineering degree may be substituted for each year of experience required under paragraph (2), up to a maximum of 2 years, if all of the following conditions are met:

(i) The degree is from an academic institution that has an ABET-approved undergraduate curriculum.

(ii) The degree is in the same discipline as an earned undergraduate degree.

(iii) The academic time is not concurrent with earned experience.

§ 37.32. References for certification as an engineer-in-training or licensure as a professional engineer.

[As part of the application process, an applicant applying under § 37.31(1)(ii) and (2) (relating to eligibility for certification or licensure, or both), shall give the names and addresses of five references, three of whom are licensed professional engineers in this Commonwealth or another state or territory of the United States. Professional engineers used as references shall be qualified to evaluate the applicant's training and experience, and know the applicant personally, but may not be related to the applicant. Individuals named as references should include professional engineers under whose direct supervision the applicant has worked. The Board will not review an application until five acceptable references have been received. If, in the opinion of the Board, references reflect

adversely on the applicant's character or qualifications, the Board may withhold processing the application until an investigation into the applicant's character or qualifications, or both, is completed. Based upon the results of an investigation, additional references may be required by the Board. ]

(a) A candidate for licensure as a professional engineer, and a candidate for certification as an engineer-in-training who seeks to qualify for the examination based on experience, shall provide as references the names and addresses of at least five persons who can attest to the applicant's good moral character and who either directly supervised the candidate or can otherwise verify the candidate's experience. At least three of the references shall be professional engineers licensed in the United States who are unrelated to the candidate. The remaining references may be professional land surveyors, professional geologists or unlicensed engineers who, through education and experience, possess an equivalent level of expertise as that of a professional engineer. A reference who is not a professional engineer licensed in the United States is required to submit a curriculum vitae.

(b) If, in the opinion of the Board, the references adversely reflect on the candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the candidate's character or qualifications, or both, is completed. The candidate will be notified in writing of any investigation that is being conducted. Based on the results of the investigation, the Board may require the candidate to submit additional references.

§ 37.33. Grandfather [ provision ] requirements for certification as an engineer-in-training and for licensure as a professional engineer.

[ Under section 14 of the act (63 P.S. § 151.1, note), an applicant who has completed the educational requirements for licensure as a professional engineer by June 30, 1994, or who has commenced the experience requirements for licensure as a professional engineer prior to February 19, 1991, shall comply with the education and experience requirements of the act of May 23, 1945 (P.L. 913, No. 367) as they existed on February 15, 1991, the day prior to the effective date of Act 192 of 1990. ]

(a) *Scope.* This section applies to a candidate who received a qualifying academic degree before June 30, 1994, or who began acquiring qualifying experience before February 19, 1991.

(b) *Engineer-in-training.* A candidate for certification as an engineer-in-training under this subsection shall be of good moral character and satisfactorily complete the NCEES fundamentals of engineering examination, except that completion of the fundamentals of engineering examination is not required of a candidate who received a qualifying academic degree before January 1, 1968. To qualify for the fundamentals of engineering examination, the candidate shall possess one of the following qualifications:

(1) Graduation from an undergraduate engineering curriculum in the United States approved by ABET or graduation from a foreign undergraduate engineering curriculum recognized by ABET's Engi-

neering Credentials Evaluation International or by NCEES's Center for Professional Engineering Education Services as substantially equivalent to ABET approval.

(2) Graduation from a graduate-level engineering curriculum in the United States that has an ABET-approved undergraduate curriculum in the same discipline.

(3) Four years of experience in engineering work, having acquired knowledge, skill and education approximating that attained through graduation from an approved engineering curriculum.

(c) *Professional engineer.* A candidate for licensure as a professional engineer under this subsection shall be of good moral character and satisfactorily complete the NCEES principles and practice examination in one of the branches of engineering.

(1) To qualify for the principles and practice examination, the candidate shall possess one of the following sets of qualifications prior to submission of the examination application:

(i) Possession of an engineer-in-training certificate and 4 years of progressive engineering or teaching experience, in the case of a candidate who is a graduate from an approved engineering curriculum under subsection (b)(1) or (2).

(ii) Successful completion of the fundamentals of engineering examination and 8 years of progressive engineering experience (excluding the experience required to sit for the fundamentals of engineering examination) in the case of candidate who is not a graduate of an approved engineering curriculum under subsection (b)(1) or (2).

(2) The engineering and teaching experience required under this subsection must comply with the standards in § 37.31(2) (relating to requirements for certification as an engineer-in-training and for licensure as a professional engineer). A candidate may not substitute a post-baccalaureate engineering degree for any part of the required experience.

#### REGISTERED PROFESSIONAL GEOLOGISTS

§ 37.36. [ Eligibility for licensure ] Requirements for certification as a geologist-in-training and for licensure as a professional geologist.

[ An applicant for licensure as a professional geologist shall be of good moral character, meet the following education and experience requirements and pass an examination adopted by the Board.

(1) *Education.*

(i) An applicant shall submit evidence to the Board of having graduated from an accredited institution of higher learning with a major in geology, geophysics, geochemistry or engineering geology, with a minimum of 30 semester or 45 quarter hours in geology, geophysics, geochemistry, engineering geology or their subdivisions.

(ii) An applicant who has graduated from an accredited institution of higher learning which does not grant semester or quarter hours in geological science courses leading to a major in geology, shall submit evidence to the Board of having completed 30 semester or 45 quarter hours or an



equivalent amount of geological education, of which at least 24 semester hours or an equivalent amount are in third or fourth year undergraduate courses or graduate courses. The applicant shall submit documentation from the institution certifying that at the time the applicant attended the institution, the institution did not offer semester or quarter hours in geological science courses leading to a major in geology. The certification shall accompany the application materials.

(iii) Graduates of a foreign college or university shall have their educational credentials reviewed by a professional evaluation service approved by the Board. To be acceptable, the applicant's educational credentials shall be equivalent to a Bachelor Degree in geology, geophysics, geochemistry, engineering geology or their subdivisions from an accredited United States college or university.

(2) *Experience.* An applicant shall complete at least 5 years of professional geological work. The applicant's experience shall include either a minimum of 3 years of professional geological work under the supervision of a licensed professional geologist or a minimum of 5 years in a responsible position in professional geological work. Professional geological work performed prior to February 16, 1993, shall satisfy the requirement of this subsection if it was performed under the supervision of either a licensed professional geologist or a qualified geologist who was not licensed. Experience, to be acceptable, shall demonstrate the applicant's ability to apply principles of geology, geophysics, geochemistry, engineering geology or their subdivisions to the actual practice of geology. Routine sampling, laboratory work and geological drafting is not professional geological work and will not be credited as acceptable experience. A Graduate Degree in geology, geophysics, geochemistry, engineering geology or their subdivisions may be substituted as part of the total experience requirements for licensure, at the rate of 1 year for a Master's Degree and 1 year for a Doctor's Degree. Credit for a Graduate Degree may not exceed a total of 2 years toward meeting the required number of years of professional geological work. ]

(a) *General.* The requirements in this section apply to candidates for certification as a geologist-in-training and candidates for licensure as a professional geologist. A candidate who meets the applicable requirements may apply at the same time both to sit for the fundamentals of geology examination to be certified as a geologist-in-training and to sit for the principles and practice of geology examination to be licensed as a professional geologist.

(b) *Geologist-in-training.* A candidate for certification as a geologist-in-training shall be of good moral character and satisfactorily complete the ASBOG fundamentals of geology examination.

(1) To qualify for the fundamentals of geology examination, the candidate shall possess one of the following qualifications:

(i) Graduation from an accredited institution of higher learning in the United States, having majored in geology, geophysics, geochemistry or engineering geology and having completed 30 semester hours or 45 quarter hours in the major. A student

who has completed 2 years in a program and has maintained current enrollment may, with Board approval, sit for the fundamentals of geology examination, but will not be eligible for certification as an geologist-in-training until the student provides proof of graduation.

(ii) Graduation from an accredited institution of higher learning in the United States that does not offer a major in geology, geophysics, geochemistry or engineering geology, having completed 30 semester hours or 45 quarter hours or an equivalent amount of geological education, including 24 semester hours or an equivalent amount in third- or fourth-year courses or graduate courses. A student who has completed 2 years in a program and has maintained current enrollment may, with Board approval, sit for the fundamentals of geology examination, but will not be eligible for certification as an geologist-in-training until the student provides proof of graduation.

(iii) Graduation from a foreign college or university that World Evaluation Services or other Board-approved professional evaluation service deems equivalent to a bachelor's degree in geology, geophysics, geochemistry or engineering geology from an accredited institution of higher learning in the United States.

(2) The formal education required under this subsection must include field geology and structural geology coursework that is sufficient to demonstrate that the candidate has educational experience in tectonics and fractured bedrock geology and the field methods needed to measure, map and evaluate geologic data.

(c) *Professional geologist.* A candidate for licensure as a professional geologist shall be of good moral character, be certified as a geologist-in-training and satisfactorily complete the ASBOG principles and practice of geology examination.

(1) To qualify for the principles and practice examination, the geologist-in-training shall have obtained one of the following experience qualifications prior to the submission of the examination application:

(i) Five years of experience performing geological services or work in a position that requires independent judgment, competence and accountability.

(ii) Five years of experience performing geological services or work, including 3 years under the supervision of a professional geologist, except that experience acquired prior to February 16, 1993, may be under the supervision of an unlicensed geologist who, through education and experience, possesses the equivalent level of expertise as that of a professional geologist.

(iii) Five years of progressive full-time teaching experience in a geological curriculum, including senior-level or graduate-level coursework, at an accredited institution of higher learning.

(2) The experience required under this subsection must require the utilization, application and interpretation of fundamental and practical principles of the geological science and be of a character and grade to qualify the candidate to assume responsible charge of the work involved in the practice of geology. Acceptable experience may in-

clude the technical completeness reviews or inspections of unfinalized work product. Unacceptable experience includes routine sampling, laboratory work and geological drafting. A graduate degree in geology, geophysics, geochemistry or engineering geology may be substituted as part of the experience requirements in this paragraph, at a rate of 1 year for a masters degree and 1 year for a doctoral degree. Credit for graduate degrees may not exceed 2 years of experience.

§ 37.37. References for licensure as a professional geologist.

(a) [ As part of the application process, an applicant whose experience under § 37.36(2) (relating to eligibility for licensure) includes a minimum of 3 years of professional geological work under the supervision of either a licensed professional geologist or, in the case of work performed prior to February 16, 1993, a qualified geologist who was not licensed, shall give the names and addresses of at least three references who, collectively, can verify the required experience claimed by the applicant and attest to the applicant's good moral character. Individuals used as references should include either licensed professional geologists under whose direction the applicant has worked or unlicensed geologists who are qualified to evaluate the applicant's training and experience. The Board will not review an application until three acceptable references have been received. ] A candidate for licensure as a professional geologist shall provide as references the names and addresses of at least three professional geologists who can attest to the applicant's good moral character and who either supervised the candidate or can otherwise verify the candidate's experience. A candidate may provide as additional experience references the names and addresses of professional engineers, professional land surveyors or unlicensed geologists who, through education and experience, possess an equivalent level of expertise as that of a professional geologist. A reference who is an unlicensed geologist is required to submit a curriculum vitae.

(b) [ An applicant whose experience under § 37.36(2) includes a minimum of 5 years experience in a responsible position in professional geological work shall give the names and addresses of at least three references who, collectively, can verify the experience claimed by the applicant and attest to the applicant's good moral character. The Board will not review an application until three acceptable references have been received.

(c) [ If, in the opinion of the Board, the references reflect adversely on the [ applicant's ] candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the [ applicant's ] candidate's character or qualifications, or both, is completed. The [ applicant ] candidate will be notified in writing of any investigation [ which ] that is being conducted [ relative to the content of the applicant's application ]. Based upon the results of [ an ] the investigation, the Board may require the candidate to submit additional references [ may be required by the Board ].

## REGISTERED PROFESSIONAL LAND SURVEYORS

§ 37.47. [ Eligibility for certification or licensure, or both ] Requirements for certification as a surveyor-in-training and for licensure as a professional land surveyor.

[ Before an applicant takes the examination for licensure as a professional land surveyor, the applicant shall satisfactorily complete the surveying fundamentals examination and become certified as a surveyor-in-training. An applicant who is certified as a surveyor-in-training shall remain certified without time limitation until the applicant becomes licensed as a professional land surveyor. ] The following requirements apply to a candidate who received a qualifying academic degree on or after June 30, 1994, or who began obtaining qualifying experience on or after February 19, 1991.

(1) *Surveyor-in-training.* [ An applicant ] A candidate for certification as a surveyor-in-training shall [ show satisfactory evidence to the Board of having met one of the following requirements: ] be of good moral character and satisfactorily complete the NCEES fundamentals of surveying examination. To qualify for the fundamentals of surveying examination, the candidate shall possess one of the following qualifications:

(i) Graduation from an [ approved ] undergraduate civil engineering curriculum [ of at least 4 years ] in the United States approved by ABET, including a minimum of 10 credit hours of instruction in surveying or graduation from an undergraduate 4-year surveying curriculum in the United States approved by ABET. A student who has completed 2 years of a 4-year surveying curriculum and has maintained current enrollment may, with Board approval, sit for the fundamentals of surveying examination, but will not be eligible for certification as a surveyor-in-training until the student provides proof of graduation.

(ii) Graduation from an [ associate ] associate's degree program in [ an approved ] surveying technology curriculum approved by ABET.

(iii) [ Completion of 6 or more ] Six years of progressive experience in surveying, and knowledge, skill and education equivalent to that attained through graduation from an approved land surveying or civil engineering curriculum. [ For experience to be acceptable to the Board, an applicant shall show diversification of field and office experience, with a minimum of 25% of the experience in each area. ] The experience must reflect diversification of field and office work, with no less than 25% of the experience in either area, and be of a grade and character sufficient to enable the candidate to independently learn through practice the surveying skills and principles of mathematics attained through formal education.

(2) *Professional land surveyor.* [ An applicant ] A candidate for licensure as a professional land surveyor shall be of good moral character, be certified as a surveyor-in-training and [ show satisfactory evidence to the Board of having met one of the following requirements: ] satisfactorily complete the NCEES principles and practice of surveying examination.

To qualify for the principles and practice examination, the surveyor in training shall have obtained one of the following experience qualifications between the issuance of the surveyor-in-training certificate and the submission of the examination application:

(i) [ *Work experience.* Four or more years of progressive experience in land surveying work performed after the issuance of the surveyor-in-training certificate. The experience shall be obtained by working under the supervision of a professional land surveyor or similarly qualified surveyor and shall be of a grade and character to qualify the applicant to assume responsible charge of the work involved in the practice of land surveying. Experience of short periods of duration; that is, 6 months or less, which is used to comprise the minimum requirements shall be supported by adequate references. ] Four years of progressive experience in surveying work acquired under the supervision of a professional land surveyor or a land surveyor who, through education and experience, possesses the equivalent level of expertise as that of a professional land surveyor. The experience shall be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of land surveying.

(ii) [ *Teaching experience.* ] Four [ or more ] years of progressive full-time faculty teaching experience in [ an approved ] a surveying curriculum approved by ABET under the supervision of a professional land surveyor or a [ similarly qualified ] surveyor who, through education and experience, possesses the equivalent level of expertise as a professional land surveyor. The [ teaching ] experience [ shall ] must include the teaching of surveying courses at the third-year, fourth-year or graduate level, covering the breadth and depth of the curriculum and be of a grade or character to qualify the applicant to assume responsible charge of the work involved in the practice of land surveying.

§ 37.48. References for certification as a surveyor-in-training or licensure as a professional land surveyor.

[ As part of the application process, an applicant applying under § 37.47(1)(iii) and (2) (relating to eligibility for certification or licensure, or both) shall give the names and addresses of five references, three of whom shall be licensed professional land surveyors in this Commonwealth or another state or territory of the United States. Individuals used as references shall be qualified to evaluate the applicant's training and experience and know the applicant personally, but may not be related to the applicant. Individuals used as references shall include professional land surveyors or professional engineers under whose direct supervision the applicant has worked. The Board will not review an application until five acceptable references have been received. If, in the opinion of the Board, references reflect adversely on the applicant's character or qualifications, the Board may withhold processing the application until an investigation into the applicant's character or qualifications, or both, is completed. Based upon the results of an investigation, additional references may be required by the Board. ]

(a) A candidate for licensure as a professional land surveyor, and a candidate for certification as a surveyor-in-training who seeks to qualify for the certification examination based on experience, shall provide as references the names and addresses of at least five references, unrelated to the candidate, who can attest to the candidate's good moral character and who either directly supervised the candidate or can otherwise verify the candidate's experience. At least three of the references shall be professional land surveyors. The remaining references may be professional engineers, professional geologists or unlicensed surveyors who, through education and experience, possess an equivalent level of expertise as that of a professional land surveyor. A reference who is an unlicensed surveyor is required to submit a curriculum vitae.

(b) If, in the opinion of the Board, the references reflect adversely on the candidate's character or qualifications, the Board may withhold processing the candidate's application until an investigation into the candidate's character or qualifications, or both, is completed. The candidate will be notified in writing of any investigation that is being conducted. Based on the results of the investigation, the Board may require additional references.

§ 37.49. Grandfather [ provision ] requirements for licensure as a professional land surveyor.

[ Under section 14 of the act (63 P.S. § 151.1, note), applicants who have completed their educational requirements for licensure as a professional land surveyor by June 30, 1994, or who have commenced their experience requirements for licensure as a professional land surveyor prior to February 19, 1991, shall comply with the education and experience requirements of the act of May 23, 1945 (P.L. 913, No. 367), as they existed on February 15, 1991, the day prior to the effective date of Act 192 of 1990. ]

(a) This section applies to a candidate who received a qualifying academic degree before June 30, 1994, or who began obtaining qualifying experience before February 19, 1991.

(b) A candidate for licensure as a professional land surveyor under this section shall be of good moral character and satisfactorily complete the NCEES fundamentals of surveying examination and principles and practice of surveying examination. To qualify for the examinations, the candidate shall possess one of the following sets of qualifications prior to submission of the examination application:

(1) Graduation from an undergraduate civil engineering curriculum in the United States approved by ABET, including a minimum of 10 credit hours of instruction in surveying, and 4 years of progressive experience in land surveying work.

(2) Graduation from an associate's degree program in a curriculum in surveying approved by ABET and 4 years of progressive experience in land surveying work.

(3) Ten years of progressive experience in land surveying work, including 5 years in responsible charge of primary land surveying functions.

(c) The experience required under this section must have been acquired under the supervision of

**a professional land surveyor or an unlicensed surveyor who, through education and experience, possesses the equivalent level of expertise as that of a professional land surveyor. The experience must be of a grade and character to qualify the candidate to assume responsible charge of the work involved in the practice of land surveying. The experience must reflect diversification of field and office work, with no less than 25% of the experience in either area.**

[Pa.B. Doc. No. 11-2219. Filed for public inspection December 30, 2011, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Banking

The Executive Board approved a reorganization of the Department of Banking effective December 7, 2011.

The organization chart at 41 Pa.B. 6990 (December 31, 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. 11-2220. Filed for public inspection December 30, 2011, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective December 7, 2011.

The organization chart at 41 Pa.B. 6991 (December 31, 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. 11-2221. Filed for public inspection December 30, 2011, 9:00 a.m.]

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective December 7, 2011.

The organization chart at 41 Pa.B. 6992 (December 31, 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. 11-2222. Filed for public inspection December 30, 2011, 9:00 a.m.]

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### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Office of the Budget

The Executive Board approved a reorganization of the Office of the Budget effective December 7, 2011.

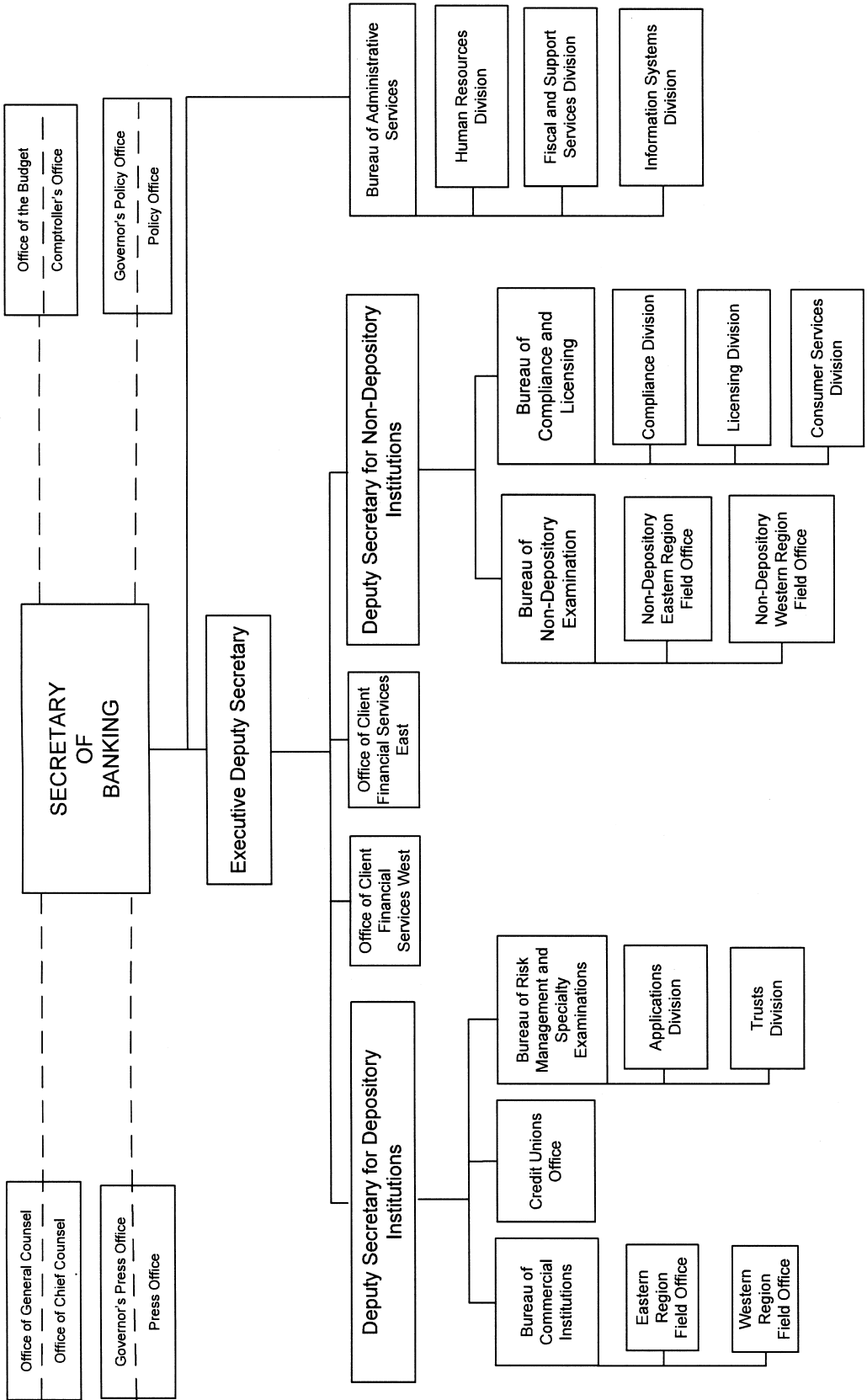
The organization chart at 41 Pa.B. 6993 (December 31, 2011) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(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.)*

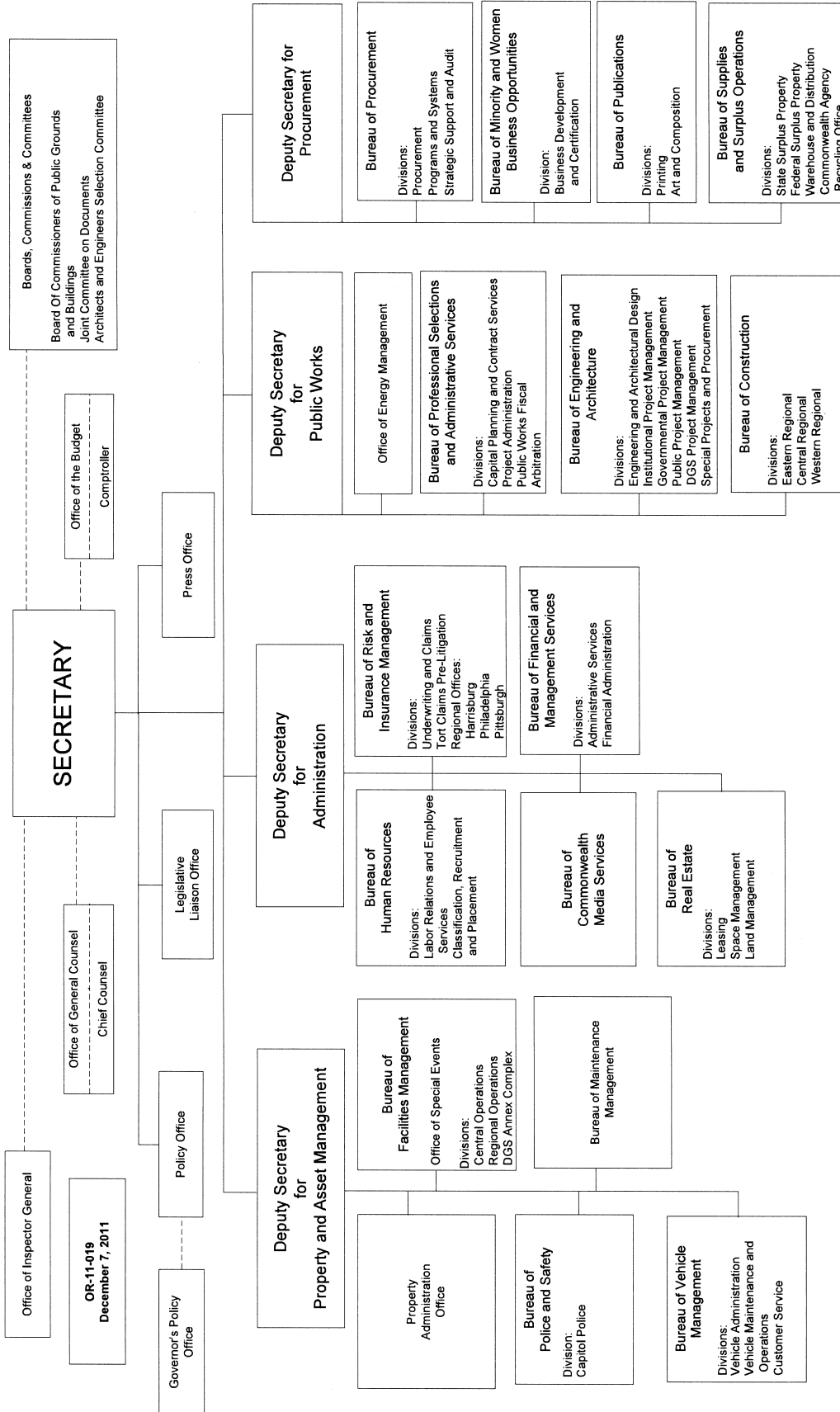
[Pa.B. Doc. No. 11-2223. Filed for public inspection December 30, 2011, 9:00 a.m.]

OR-11-020  
December 7, 2011

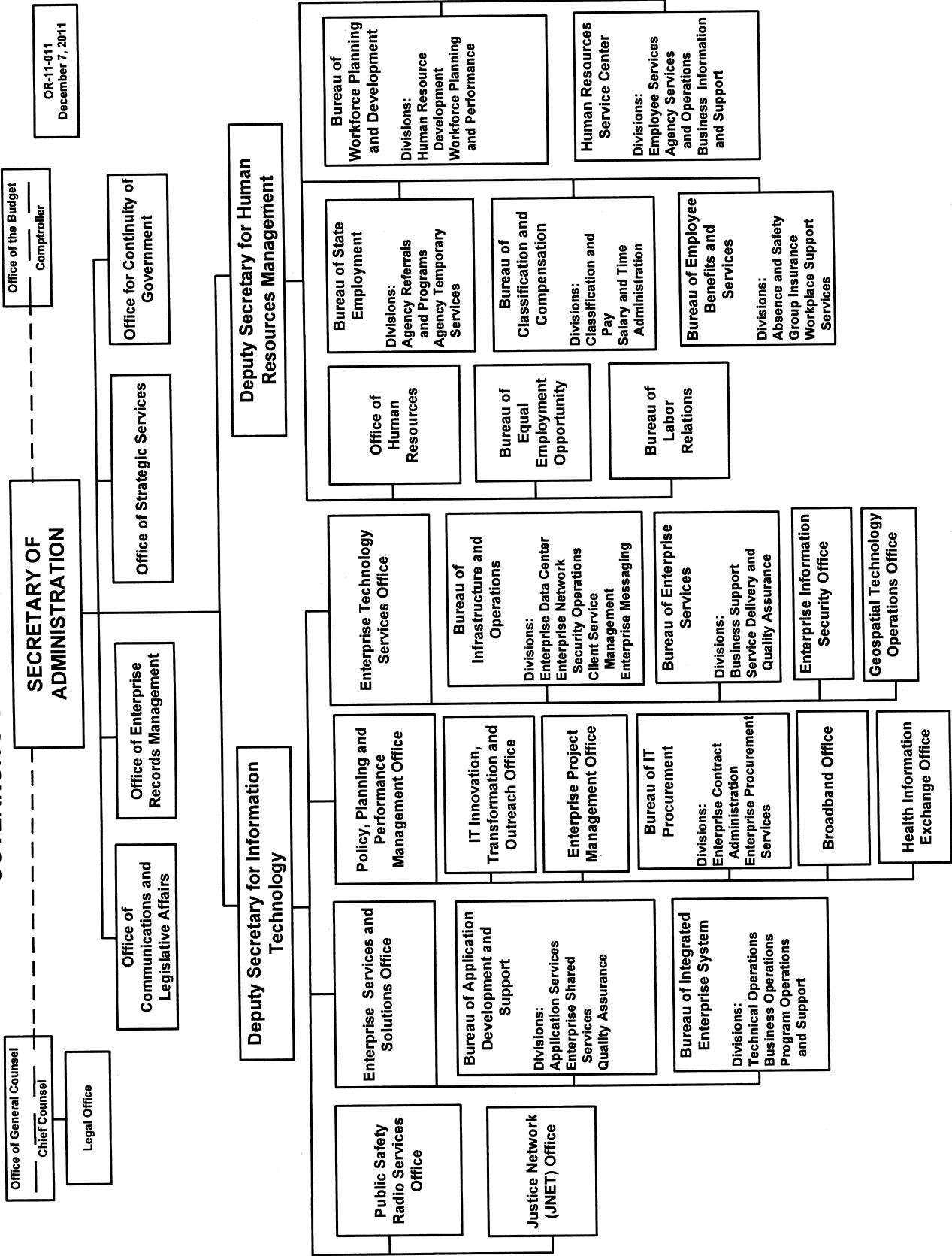
DEPARTMENT OF BANKING



DEPARTMENT OF GENERAL SERVICES



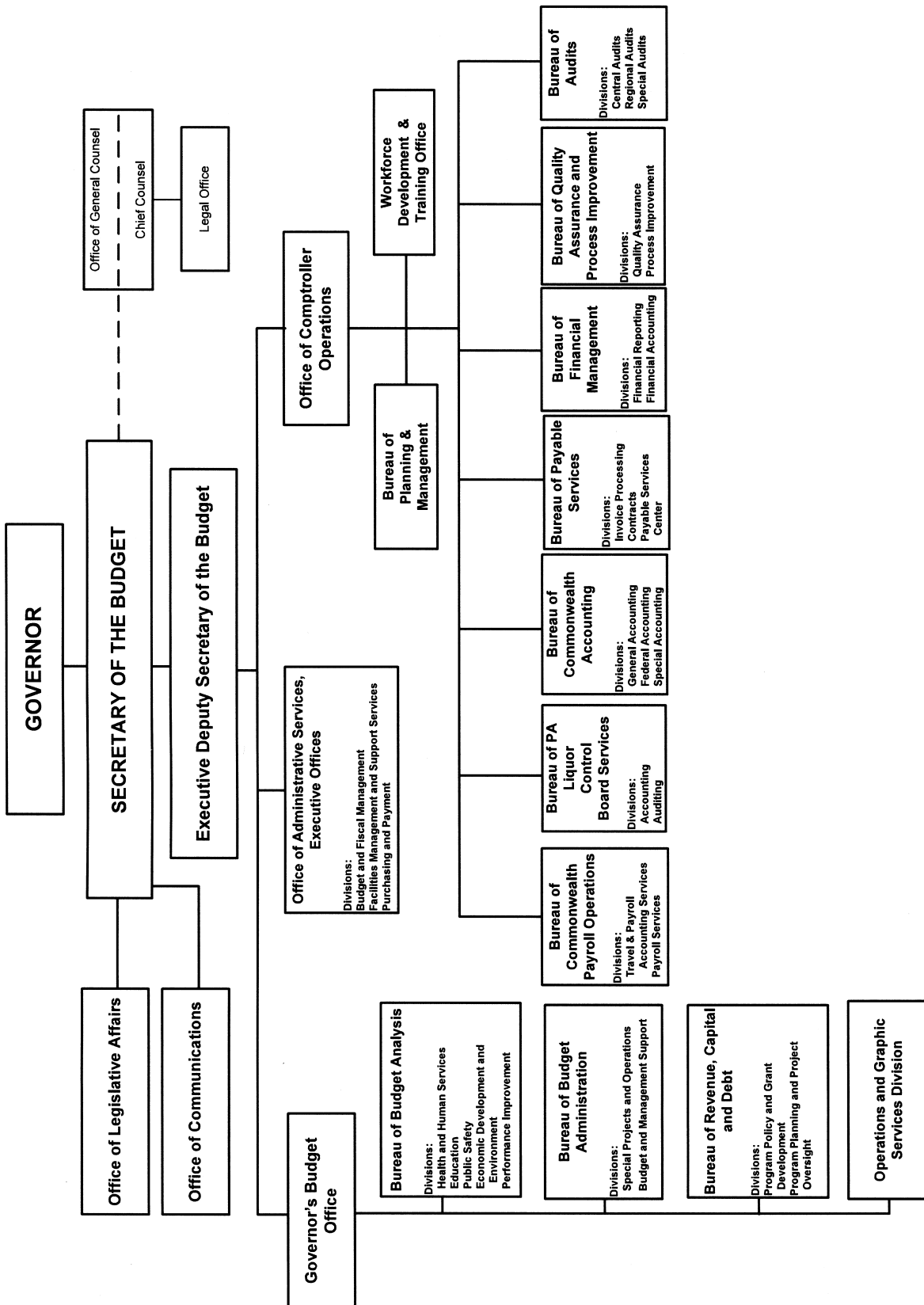
GOVERNOR'S OFFICE OF ADMINISTRATION





OR-11-018  
December 7, 2011

GOVERNOR'S OFFICE OF THE BUDGET



# 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 December 13, 2011.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-13-2011	John M. Ortenzio Application for approval to acquire up to 10% of the common stock of Select Asset Management and Trust Company, Mechanicsburg.	Filed

#### Branch Applications

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-8-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 101 West Main Street Norristown Montgomery County  <i>From:</i> 2 West Lafayette Street Norristown Montgomery County	Approved
12-8-2011	Union Bank and Trust Company Pottsville Schuylkill County	<i>To:</i> 1168 Centre Turnpike Route 61 Orwigsburg Schuylkill County  <i>From:</i> 300 Pinebrook Place Route 61 Orwigsburg Schuylkill County	Filed
12-9-2011	F&M Trust Co. of Chambersburg Chambersburg Franklin County	<i>To:</i> 51 South High Street Newville Cumberland County  <i>From:</i> 9 West Big Spring Avenue Newville Cumberland County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-2-2011	Northwest Savings Bank Warren Warren County	117 North Allegheny Street Bellefonte Centre County	Closed
12-8-2011	Luzerne Bank Luzerne Luzerne County	1492 Highway 315 Plains Luzerne County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-2224. Filed for public inspection December 30, 2011, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, actions and special notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<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>
PAS122204 (Storm Water)	Samuel Adams PA Brewing Co. Lehigh Valley Facility 7880 Penn Drive Breinigsville, PA 18031	Lehigh County Upper Macungie Township	Iron Run High Quality-Cold Water Fishes (2-C)	Y
PAS802224 (Storm Water)	Waste Management of PA, Inc. Beach Lake Transfer Station Rosencranse Road Beach Lake, PA 18405	Wayne County Berlin Township	Unnamed Tributary of Beach Lake Creek (1-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0111350 (Sew)	Petersburg Borough Sewer Authority PO Box 6 Petersburg, PA 16669	Huntingdon County / Logan Township	11-B / Shaver Creek	Y
PA0087190 (Sew)	St. Thomas Township Municipal Authority (Edenville Plant) 175 St. Thomas-Edenville Road St. Thomas, PA 17252	Franklin County / St. Thomas Township	13-C / unt Wilson Run	Y
PA0008150 (IW)	Mount Holly Springs Specialty Paper, Inc. 1 Mountain Street Mt. Holly Springs, PA 17065-1406	Cumberland County Mount Holly Springs Borough	7-E / UNT Mountain Creek	Y

*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>
PA0060305	Mt Pisgah State Park IW Treatment Plant 28 Entrance Rd. Troy, PA 16947-8448	Bradford County West Burlington Township	Unnamed Tributary to Mill Creek (04C)	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*

**PA0012637**, Industrial Waste, SIC Code 2911, **Conocophillips Co.**, 4101 Post Road, Trainer, PA 19061-5052. Facility Name: Conocophillips Trainer Refinery. This existing facility is located in Trainer Borough, **Delaware County**.

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

The receiving stream(s), Delaware River, Marcus Hook Creek and Stony Creek, are located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 36.17 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.16	XXX	0.5
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Heat Rejection Rate (MBTUs/day)	XXX	43,200	XXX	XXX	XXX	XXX
Total Suspended Solids Effluent Net	9,050	18,100	XXX	30	60	75

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Dissolved Solids						
Effluent Net	XXX	XXX	XXX	Report	Report	Report
Oil and Grease	4,525	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	Report	Report
Total Organic Carbon						
Effluent Net	XXX	XXX	XXX	XXX	XXX	5.0

The proposed effluent limits for Outfall 003 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 006 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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 Copper	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 011 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 013 are based on an average flow of storm water.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 65.77 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.16	XXX	0.5
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Heat Rejection Rate (MBTUs/day)	XXX	67,470	XXX	XXX	XXX	XXX
Total Suspended Solids						
Effluent Net	16,460	32,920	XXX	30	60	75
Oil and Grease	8,230	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	Report	Report
Total Iron	XXX	XXX	XXX	Report	Report	Report
Total Lead	XXX	XXX	XXX	Report	Report	Report
Total Organic Carbon						
Effluent Net	XXX	XXX	XXX	XXX	XXX	5.0

The proposed effluent limits for Outfall 201 are based on a design flow of 3.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.16	XXX	0.5
BOD <sub>5</sub>	1,236	2,472	XXX	42	84	105
CBOD <sub>20</sub>	1,800	XXX	XXX	XXX	XXX	XXX
CBOD <sub>20</sub> % Removal (%)	89.25	XXX	XXX	XXX	XXX	XXX
Chemical Oxygen Demand	17,608	33,130	XXX	603	1,135	1508
Total Suspended Solids	875	1,750	XXX	30	60	75
Total Dissolved Solids						
Effluent Net	29,190	58,380	XXX	1,000	2,000	2500
Oil and Grease	438	876	XXX	15	30	30
Ammonia-Nitrogen	1,020	2,040	XXX	35	70	87
Total Aluminum	XXX	XXX	XXX	Report	Report	Report
Hexavalent Chromium	1.1	2.4	XXX	0.04	0.08	0.1
Total Chromium	13	37	XXX	0.45	1.27	1.27
Total Copper	XXX	XXX	XXX	Report	Report	Report
Free Available Cyanide	XXX	XXX	XXX	Report	Report	Report
Total Cyanide	XXX	XXX	XXX	Report	Report	Report
Total Lead	XXX	XXX	XXX	Report	Report	Report
Total Magnesium	XXX	XXX	XXX	Report	Report	Report
Total Selenium	XXX	XXX	XXX	Report	Report	Report
Total Sulfide	13	30	XXX	0.45	1.03	1.13
Total Zinc	XXX	XXX	XXX	Report	Report	Report
Total Phenolics	11	34	XXX	0.38	1.16	1.16
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

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

1. Remedial Measures
2. CBOD<sub>20</sub> percent Removal
3. Thermal Requirements for 101 and 002
4. Approved Test Methods
5. Change in Ownership
6. Chlorine Minimization
7. Proper Sludge Disposal
8. Analysis of TMDL/WLA
9. Laboratory Certification
10. 316 (a) Modification
11. PCB Requirement
12. Intake Sampling
13. Stormwater Credits

14. Nutrient Monitoring
15. WQM Permits
16. Chemical Additives
17. Hydrostatic Discharge
18. Cooling Water Intake
19. WETT Requirement
20. Stormwater Condition

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 not in effect.

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

**PA0097799**, Sewage, **Lauderdale Laurel Highlands LLC**, PO Box 359, Stuart, FL 34995. Facility Name: Lauderdale Laurel Highlands STP. This existing facility is located in Donegal 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), Minnow Run, is located in State Water Plan watershed 19-E 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 based on a design flow of 0.043 MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.043	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	.02	XXX	.05
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	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.5	XXX	7.0

The EPA Waiver is in effect.

**PA0096334**, Sewage, **Clelian Heights School for Exceptional Children**, 135 Clelian Heights Lane, Greensburg, PA 15601-6665. Facility Name: Clelian Heights School for Exceptional Children STP. This existing facility is located in Hempfield 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, Unnamed Tributary to Beaver Run, is located in State Water Plan watershed 18-B and is classified for High Quality Cold Water Fishery, 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 0.009 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.009	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
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



<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 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	4.2	XXX	8.4
Nov 1 - Apr 30	XXX	XXX	XXX	10.0	XXX	20.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The EPA Waiver is in effect.

**PA0044431**, Sewage, **Fairfield Manor Inc.**, PO Box 17039, Pittsburgh, PA 15235-0039. Facility Name: Fairfield Manor Inc. MHP. This existing facility is located in Fairfield Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Hendricks Creek, is located in State Water Plan watershed 18-D 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 based on a design flow of 0.030 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	0.03	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
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	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0

The EPA Waiver is in effect.

**PA0218774**, **Beka House**, 5977 Somerset Pike, Boswell, PA 15531-1807. Facility Name: Beka House STP. This existing facility is located in Jenner Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from the Beka House STP.

The receiving stream, Bens Creek, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00106 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	0.00106	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)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

The EPA Waiver is in effect.

**PA0218600**, **Leonard Arthur J.**, 310 Spang Road, Baden, PA 15005-2540. Facility Name: Leonard SR STP. This existing facility is located in Middlecreek Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from the Leonard Single Residence STP.

The receiving stream, Laurel Hill Creek, is located in State Water Plan watershed 19-E 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	Report	1.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)				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	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.0	XXX	6.0

The EPA Waiver is in effect.

**PA0096938**, Sewage, **Lewis Mackay Enterprises Inc.**, 8755 Cloud Leap Court, Columbia, MD 21045. Facility Name: Silver Dolphin MHP. This existing facility is located in Hempfield Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Little Sewickley Creek, is located in State Water Plan watershed 19-D 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 based on a design flow of 0.01065 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	0.01065	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.25	XXX	0.58
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	2.4	XXX	4.8
Nov 1 - Apr 30	XXX	XXX	XXX	5.0	XXX	10.0

The EPA Waiver is in effect.

**PA0046906**, Sewage, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Moon Township, PA 15108-3109. Facility Name: Flaugherty Run STP. This existing facility is located in Moon Township, **Allegheny 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 Ohio River, is located in State Water Plan watershed 20-G 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 2.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	417	626	XXX	25	38	50

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids	501	751	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Oct 30	XXX	XXX	XXX	Geo Mean	XXX	400
Nov 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 storm water from the STP site through Outfalls 101 and 102.

The first three years of the renewal permit include quarterly monitoring requirements for certain nutrients (nitrogen and phosphorus components) for Outfall 001. This is in accordance with Ohio River Valley Water Sanitation Commissions (ORSANCO's) recent meeting in which the Commission states, and Pennsylvania agreed to, include said monitoring in the NPDES permits for all major discharges of 1 million gallons per day (mgd) or greater to the Ohio River.

The EPA Waiver is not in effect.

**PA0203793**, Sewage, **William Debevec**, 4418 Rostosky Ridge Road, Monongahela, PA 15063-4319. Facility Name: Debevec Single Residence STP. This existing facility is located in Forward Township, **Allegheny 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), Perry Mill Run, is located in State Water Plan Watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

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

**WQM Permit No. 1511407**, Sewage, **Comprehensive Addition Programs, Inc.**, 608 Chadds Ford Lane, Suite 304, Chadds Ford, PA 19317.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new wastewater treatment plant.

**WQM Permit No. WQG02461116**, Sewage, **Lower Gwynedd Township Municipal Authority**, 1130 N. Bethlehem Pike, Spring House, PA 19477.

This proposed facility is located in Lower Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Construction of a combination of low pressure and gravity sewers in 3 area of Lower Gwynedd Township to service a total of 29 EDU's.

**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*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508069A-1	FSP—Willistown, LP 150 North Radnor-Chester Road Suite A-220 Radnor, PA 19087	Chester	Willistown Township	Ridley Creek (HQ-TSF)

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

*Luzerne County Conservation District: 325 Smiths Pond Road, Shavertown, PA 18708, 570-674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024011003	Apple Alley Associates, LP William Leandri 372 Center Ave. PMB 114 Schuylkill Haven, PA 17972	Luzerne	Lehman Twp.	UNT to East Fork Harvey's Creek, CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024511012	New Glenbrook East, LP P. O. Box 240 Wynnewood, PA 19096	Monroe	Borough of Stroudsburg	Pocono Creek, HQ-CWF, MF

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911016	Dale R. Koller 1870 Waldheim Rd. Bethlehem, PA 18015	Lehigh	Weisenberg Twp.	Lyon Creek, HQ-CWF, MF

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

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045911002	Robert DeCamp 34 Fellows Ave Wellsboro PA 16901	Tioga	Delmar Township	UNT to Baldwin Run/West Branch HQ-CWF, MF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## 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**

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

**Permit No. 0211516**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Oakmont**  
721 Allegheny Avenue  
Oakmont, PA 15139

[Township or Borough] Penn Hills Township

Responsible Official John Dunlap, General Manager  
Municipal Authority of the Borough of Oakmont  
721 Allegheny Avenue  
Oakmont, PA 15139

Type of Facility Water system

Consulting Engineer NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Application Received Date December 9, 2011

Description of Action Painting and repairing the 0.2 MG welded steel water storage tank and raw water intake catwalk; and adding a PAX mixing system to the water storage tank.

**Permit No. 0411504**, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**  
1425 8th Avenue  
PO Box 400  
Beaver Falls, PA 15010

[Township or Borough] Eastvale Borough

Responsible Official James Riggio, General Manager  
Beaver Falls  
Municipal Authority  
1425 8th Avenue  
PO Box 400  
Beaver Falls, PA 15010

Type of Facility Water system

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

Application Received Date December 5, 2011

Description of Action Rehabilitation of the existing flocculation/primary clarifier basins.

**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. 0211515MA, Minor Amendment.**

Applicant **Samuel Scarfone, General Manager Hampton Township Municipal Authority**  
3101 McCully Road  
Allison Park, PA 15101

[Township or Borough] Hampton Township

Responsible Official Samuel Scarfone, General Manager  
Hampton Township  
Municipal Authority  
3101 McCully Road  
Allison Park, PA 15101

Type of Facility Water system

Consulting Engineer Widmer Engineering, Inc.  
806 Lincoln Place  
Beaver Falls, PA 15010

Application Received Date December 15, 2011

Description of Action Installation of approximately 480 feet of 16-inch waterline for the Middle Road/Turnpike project.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

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

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

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

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

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

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

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

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

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

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

**08-313-004L: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) for the proposed installation and operation of a new Severn Trent Services EST Packed Tower Type 955 Wet Gas Scrubber System to control volatile organic compound (VOC) and hydrogen sulfide (H<sub>2</sub>S) emissions from the sulfide treatment/tungsten refining process (Source ID P212) located in their department 046 at their facility, located in North Towanda Township, **Bradford County**. This is a state only facility. The facility has taken a synthetic minor restriction to limit the carbon monoxide, nitrogen oxides, volatile organic compounds, and greenhouse gas emissions below the major thresholds.

The Department's review of the information contained in the application submitted by GTP indicates that the proposed scrubber will comply with applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department proposes to issue a plan approval for the proposed installation.

The emissions from the existing sources will not exceed 0.25 tons of hydrogen sulfide per year and 26.2 tons of volatile organic compounds per year. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements.

Work practice requirements to install and operate control device in accordance with manufacturer's recommendations and good air pollution control practices.

Monitoring and Recordkeeping conditions to verify compliance with the applicable requirements and good air pollution control practices.

Testing requirements to verify the proposed emissions and verify compliance with control efficiency requirements

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

tion, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

**08-00044B: Barefoot Pellets Company** (PO Box 96, Troy, PA 16947) has submitted to the Pennsylvania Department of Environmental Protection a plan approval application for the construction of an 8.1 ton per hour natural gas fired biomass triple pass rotary dryer and associated multi-clone control system. The facility would be categorized as a Natural Minor source since the facility's emissions do not exceed any major thresholds.

The Department's review of the information submitted by Barefoot Pellets Company indicates that the rotary dryer will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive particulate matter emission limitation of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxides emission limitation of 25 Pa. Code § 123.21 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the source and air cleaning device. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only operating permit via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P110 is a 20 MMBTU/hr Heil Company model 10532-T natural gas fired three pass rotary dryer. The particulate matter emissions from which shall be controlled by a Kice Industries model CHS40 multi-clone collector.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall only be fired on natural gas.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall not be operated in excess of 7,200 hours in any 12 consecutive month period.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emission from the exhaust of the multi-clone collector shall not exceed 0.02 grains per dry standard cubic foot.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides (NO<sub>x</sub>) emissions from the rotary dryer shall not exceed 4.2 pounds per hour and 15.12 tons in any 12 consecutive month period.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide (CO) emissions from the rotary dryer shall not exceed 7.0 lbs/hr and 25.2 tons in any 12 consecutive month period.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the multi-clone collector shall be equipped with instrumentation which continuously monitors the pressure drop across the collector.

8. The permittee shall record the pressure drop reading across the multi-clone collector at least once per day in a log book or other acceptable recording device. These records shall be retained for a minimum of five years and be presented to the Department upon request.

9. Within 180 days of startup of operation the rotary dryer the permittee shall perform stack testing upon the exhaust for nitrogen oxides, carbon monoxide and particulate matter in order to verify compliance with the emission limitations established in this plan approval.

10. The permittee shall maintain monthly records of the amount of hours the rotary dryer is operated, the amount of wood processed and the amount of natural gas burned. These records shall be retained for a minimum of five years and be presented to the Department upon request.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

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

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

**03-00093: Keystone Coal Mining Corp.** (1000 Consol Energy Drive, Canonsburg, PA 15317) for installation, modification, and initial temporary operation of equipment at their Keystone Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-03-00093 to allow the installation, modification, and initial temporary operation of equipment at the Keystone Coal Preparation Plant located in Plumcreek Township, Armstrong County. The installation and operation of additional material transfer equipment will allow the processing of metallurgical coal at the existing facility. Throughput at the facility will remain 1,200,000 tons per year.

Potential emissions from the facility are estimated to be 7.47 tons of particulate matter (PM) and 2.63 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>) per year. Best available technology (BAT) for the proposed sources will include but is not limited to the use of a water sprays on all transfer points; paving, sweeping and watering of roadways; enclosures and covers at transfer points; an automatic telescoping chute to the clean coal stockpile; maintaining a coal moisture content greater than or equal to 5%; use of existing wind barriers; use of a water truck with pressurized spray gun; tarping of all trucks plus a posted notice of tarping requirement; upwind/downwind dustfall monitoring at the request of the Department; and a posted speed limit of 15 mph on all in plant roads.

The authorization is subject to State regulations and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart Y. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes work practice, monitoring, record-

keeping, and reporting conditions. Once all compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

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

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

Identification of the proposed Plan Approval (PA-03-00093).

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

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

For additional information you may contact Alexander Sandy at 412-442-4028.

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

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

**AMS 11035: SEPTA—Roberts Complex** (341-342 Roberts Avenue, 4301 Wissahickon Avenue, 4400 Clarissa Street, Philadelphia, PA 19140) for installation of a 4.184 MMBTU/hr, two each 8.369 MMBTU/hr, one 0.522 MMBTU/hr, two each 0.72 MMBTU/hr, two each 11.716 MMBTU/hr and two each 0.359 MMBTU/hr boilers firing #2 fuel oil and natural gas, and a pressure washer, six space heaters each 0.400MMBTU/hr firing natural gas, and one stage II vapor recovery unit, one spray Paint Booth, an air compressor, a 10MMBTU/hr emergency generator, a sand blaster, and five parts washer. There will be a potential emission increase of 21.5 tons of Nitrogen Oxides (NO<sub>x</sub>) and 19 tons of Sulfur Oxide (SO<sub>x</sub>) per year for the facility. The plan approval will contain operating, 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.**

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**37-00023: GenOn Power Midwest LP.—previously Orion Power Midwest LP** (Route 168 South, West Pittsburgh, PA 16160) for renewal of the Title V Operating Permit in Taylor Township, **Lawrence County**. The facility is a fossil fuel electric power station. The facility's major emission sources include 1) Babcock & Wilcox Boiler 3, 2) Babcock & Wilcox Boiler 4, 3) Babcock & Wilcox Boiler 5, 4) Electromotive diesel A, 5) Electromotive diesel B, 6) Coal Stockpile, 7) Bottom / Flyash disposal, 8) Plant Roadways, 9) Flash storage silos, 10) Auxiliary Boiler, 11) Two diesel emergency generators, and 12) Pars washer. The facility is a major facility due to its potential to emit of Oxides of Nitrogen, Sulfur Diox-

ides, Carbon Monoxide and Particulate Emissions less than 10 microns. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit. The diesel generators and emergency generators are subject to 40 CFR Part 60, Subpart ZZZZ.

The acid rain permit will be issued along with the renewal permit. The initial Acid Rain permit was issued on December 24, 1997, and revised on January 13, 1999, was reissued on January 23, 2003. The permit expires on December 31, 2007. The facility applied for a modification of the existing Title V Operating permit to include an Acid Rain permit for January 1, 2008 through December 31, 2012. The renewal acid rain permit will be valid from January 2011 to December 2016. GenOn Power Midwest LP—New Castle Power Plant air emission sources are three coal-fired boilers. The facility, because the boilers are listed in Table 2 (Phase II Allowance Allocations) of 40 CFR 73.10, is a Title IV facility and is therefore subject to the Acid Rain requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

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*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: 717-705-4863*

**06-03053: Hamburg Manufacturing, Inc.** (221 South Fourth Street, P. O. Box 147, Hamburg, PA 19526) for their Plant 2 at 1021 South Fourth Street in Hamburg Borough, Berks County. Plant 2 is a castings finishing facility for casting produced in their Plant 1 also located Hamburg Borough, **Berks County**.

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

Hamburg Manufacturing Plant #2 has actual emissions of twelve tons per year of particulate matter. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.

- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

**36-05008: Tyson Foods, Inc.** (403 South Custer Avenue, New Holland, PA 19557) for operation of a poultry processing plant in Earl Township, **Lancaster County**.

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

The subject facility has the potential-to-emit NO<sub>x</sub> in the amount of 53.5 tpy, CO in the amount of 43.3 tpy, PM<sub>10</sub> in the amount of 20.0 tpy, and VOCs in the amount of 5.69 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the permit includes provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

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

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

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**OP-65-00627: Seton Hill University** (1 Seton Hill Dr., Greensburg, PA, 15601-1548) Operating Permit renewal for the Greensburg Campus in the city of Greensburg,



**Westmoreland County.** Equipment at this facility includes one CNB, 600 horsepower tri-fuel boiler burning primarily coal, two Burnham, 300 horsepower (each) boilers burning primarily natural gas, and an Onan 250 kVA emergency generator at the university's boiler house. There are a number of miscellaneous combustion sources scattered throughout the campus but these are small and considered trivial on an emissions basis. These units are however listed in the Miscellaneous Section of the permit. Potential emissions from the facility are based on a limit of burning 2,160 tons of coal per consecutive 12 month period in the CNB Boiler and natural gas in the other three boiler house sources. Emissions are estimated to be 10.2 tons NO<sub>x</sub>, 1.4 tons VOCs, 11.8 tons CO, 4.8 tons particulate matter and 63.6 tons SO<sub>x</sub>. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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*

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

**56110110 and NPDES No. PA0263389. Coal Loaders, Inc.,** 210 East Main Street, Ligonier, PA 15658 commencement, operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 86.2 acres. Receiving stream(s): UT to/and Higgins Run classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority and Cambria Somerset Authority. Application received: December 1, 2011.

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

**26060104 and NPDES Permit No. PA0250929. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal permit for reclamation only to an existing bituminous surface mining site located in Luzerne and German Townships, **Fayette County**, affecting 90.0 acres. Receiving streams: Antram Run and the Monongahela River, classified for the following uses: warm water fishes. The first public water supply intake within ten miles downstream from the point of discharge is Southwestern PA Water Authority and Tri-County Joint Municipal Authority. Renewal application received: December 2, 2011.

**30010102 and NPDES Permit No. PA0203017. Coresco, LLC** (308 Dents Run Road, Morgantown, WV 26501-2006. Renewal permit for reclamation only to an existing bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 169 acres. Receiving streams: Dunkard Creek and the Monongahela River, classified for the following uses: warm water fishes. There are no public water supply intakes within ten miles downstream from the point of discharge. Renewal application received: December 8, 2011.

**26100101 and NPDES Permit No. PA0251879. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Application received to revise permit to add acreage and allow mining within 100 feet of a portion of North Road at an existing bituminous surface mining site located in Nicholson Township, **Fayette County**, currently affecting 36.4 acres. Receiving streams: unnamed tributary to Georges Creek to Monongahela River to Ohio River, classified for the following uses: warm water fishes. The first public water supply intake within ten miles downstream from the point of discharge is Masontown Borough and Carmichaels Municipal Water Authority. Revision application received: December 9, 2011.

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

**54-305-022GP12. Reading Anthracite Company,** (P. O. Box 1200, Pottsville, PA 17901), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations,

terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54663021 in New Castle Township, **Schuylkill County**. Application received: December 8, 2011.

**54851317R4. Blackwood Mining**, (504 East Center Street, Ashland, PA 17921), renewal of an existing anthracite underground mine operation in Hegins township, **Schuylkill County** affecting 2.5 acres, receiving stream: Swatara Creek, classified for the following use: cold water fishes. Application received: December 9, 2011.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated

with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

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

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code 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 relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0249718 (Mining permit no. 11050101), E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit for bituminous surface/auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream(s): UNT to Bear Rock Run and Burgoon Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 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 coal mining activities.

The outfall(s) listed below discharge to UNT to Bear Rock Run and Burgoon Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N
006	N
007	N
008	N
009	N

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

<i>Outfalls: 001, 002, 003, 004, 005, 006, 007, 008, 009</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instantaneous</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>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			

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0595276 on Surface Mining Permit No. 45900303. Middle Smithfield Materials, Inc.**, (P. O. Box 674, Bushkill, PA 18324), renewal of an NPDES Permit for a topsoil, sand and gravel quarry operation in Middle Smithfield Township, **Monroe County**, affecting 29.0 acres. Receiving stream: Suise Creek, classified for the following use: HQ-cold water fishes. Application received: December 1, 2011.

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

The outfall(s) listed below discharge to Suise.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
1	No	E&S

## 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.

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### 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.

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-030: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Terry and Wilmot Township, Bradford County, ACOE Baltimore District.**

To construct, operate and maintain:

1. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 1,180 square feet; (Colley, PA Quadrangle, Latitude: 41°36'31", Longitude: -76°22'03"),
2. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 6,448 square feet; (Colley, PA Quadrangle, Latitude: 41°36'32", Longitude: -76°21'32"),
3. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 469 square feet; (Colley, PA Quadrangle, Latitude: 41°36'33", Longitude: -76°21'25"),

4. a 16 inch diameter natural gas line impacting 28 linear feet of an unnamed tributary to Sugar Run (CWF, MF) (Colley, PA Latitude: 41°36'35", Longitude: -76°21'18"),

5. a 16 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland. Impacted Area: 1,807 square feet; (Colley, PA Quadrangle, Latitude: 41°36'36", Longitude: -76°20'59"),

6. a 16 inch natural gas line and a timber mat bridge across a Palustrine Scrub-Shrub Wetland. Impacted Area: 4,415 square feet; (Colley, PA Quadrangle, Latitude: 41°36'37", Longitude: -76°20'39"),

7. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 5,796 square feet; (Colley, PA Quadrangle, Latitude: 41°34'40", Longitude: -76°21'31"),

8. a 16 inch natural gas line across a Palustrine Forested Wetland. Impacted Area: 414 square feet; (Colley, PA Quadrangle, Latitude: 41°36'55", Longitude: -76°19'45"),

9. a 16 inch natural gas line across a Palustrine Scrub-Shrub Wetland. Impacted Area: 165 square feet; (Colley, PA Quadrangle, Latitude: 41°36'45", Longitude: -76°19'14"),

10. a 16 inch natural gas line across a Palustrine Emergent, Palustrine Scrub-Shrub and Palustrine Forested Wetland. Impacted Area: 360 square feet; (Colley, PA Quadrangle, Latitude: 41°36'43", Longitude: -76°19'11"),

11. a 16 inch diameter natural gas line impacting 20 linear feet of an unnamed tributary to Foster Branch (CWF, MF) and adjacent Palustrine Forested Wetland impacting 1,152 square feet (Colley, PA Latitude: 41°36'42", Longitude: -76°19'10"),

12. a 16 inch diameter natural gas line impacting 11 linear feet of an unnamed tributary to Foster Branch (CWF, MF) (Colley, PA Latitude: 41°36'39", Longitude: -76°19'05"),

13. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 226 square feet; (Colley, PA Quadrangle, Latitude: 41°36'30", Longitude: -76°18'47"),

14. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 576 square feet; (Colley, PA Quadrangle, Latitude: 41°36'40", Longitude: -76°18'23"),

15. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of Foster Branch (CWF, MF) and adjacent Palustrine Emergent, Palustrine Scrub-Shrub, and Palustrine Forested Wetland impacting 10,030 square feet (Colley, PA Latitude: 41°36'41", Longitude: -76°18'16"),

16. a 16 inch diameter natural gas line and a timber mat bridge impacting 16 linear feet of an unnamed tributary to Foster Branch (CWF, MF) and adjacent Palustrine Emergent and Palustrine Scrub-Shrub Wetland impacting 757 square feet (Colley, PA Latitude: 41°36'42", Longitude: -76°18'13"),

17. a 16 inch natural gas line and a permanent access road across a Palustrine Emergent and Palustrine Scrub-Shrub Wetland. Impacted Area: 6,279 square feet; (Colley, PA Quadrangle, Latitude: 41°36'38", Longitude: -76°17'42"),

18. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area:

817 square feet; (Colley, PA Quadrangle, Latitude: 41°36'33", Longitude: -76°17'12"),

19. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 7,039 square feet; (Colley, PA Quadrangle, Latitude: 41°36'36", Longitude: -76°17'12"),

20. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 3,852 square feet; (Colley, PA Quadrangle, Latitude: 41°36'33", Longitude: -76°16'34"),

21. a 16 inch natural gas line across a Palustrine Emergent and Palustrine Forested Wetland. Impacted Area: 1,185 square feet; (Colley, PA Quadrangle, Latitude: 41°36'34", Longitude: -76°16'11"),

22. a 16 inch natural gas line across a Palustrine Emergent and Palustrine Forested Wetland. Impacted Area: 282 square feet; (Colley, PA Quadrangle, Latitude: 41°36'37", Longitude: -76°15'40"),

23. a 16 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland. Impacted Area: 22,631 square feet; (Colley, PA Quadrangle, Latitude: 41°36'54", Longitude: -76°15'30"),

24. a 16 inch diameter natural gas line impacting 4 linear feet of an unnamed tributary to Sugar Run (CWF, MF) (Colley, PA Latitude: 41°37'03", Longitude: -76°15'32"),

25. a 16 inch diameter natural gas line impacting 22 linear feet of an unnamed tributary to Sugar Run (CWF, MF) (Colley, PA Latitude: 41°37'06", Longitude: -76°15'33"),

26. a 16 inch diameter natural gas line impacting 32 linear feet of Sugar Run Creek (CWF, MF) and adjacent Palustrine Forested Wetland impacting 33 square feet (Colley, PA Latitude: 41°37'08", Longitude: -76°15'33"),

27. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 353 square feet; (Laceyville, PA Quadrangle, Latitude: 41°37'31", Longitude: -76°14'54"),

28. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of an unnamed tributary to Sugar Run Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 3,898 square feet (Jenningsville, PA Latitude: 41°37'27", Longitude: -76°14'41"),

29. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of Sugar Run Creek (CWF, MF) (Jenningsville, PA Latitude: 41°37'19", Longitude: -76°14'05"),

30. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 4,145 square feet; (Jenningsville, PA Quadrangle, Latitude: 41°37'27", Longitude: -76°12'49"),

31. a 16 inch diameter natural gas line impacting 20 linear feet of an unnamed tributary to Rocky Forest Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 198 square feet (Jenningsville, PA Latitude: 41°37'27", Longitude: -76°12'27"),

32. 16 inch diameter natural gas line impacting 73 linear feet of Rocky Forest Creek (CWF, MF) (Jenningsville, PA Latitude: 41°37'27", Longitude: -76°12'21"),

33. 16 inch diameter natural gas line impacting 12 linear feet of an unnamed tributary to Rocky Forest Creek (CWF, MF) (Jenningsville, PA Latitude: 41°37'26", Longitude: -76°12'14"),

34. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 978 square feet; (Colley, PA Quadrangle, Latitude: 41°36'50", Longitude: -76°17'47"),

35. a permanent access road across a Palustrine Emergent and Palustrine Scrub-Shrub Wetland. Impacted Area: 1,019 square feet; (Colley, PA Quadrangle, Latitude: 41°37'39", Longitude: -76°15'17"),

36. a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 296 square feet; (Colley, PA Quadrangle, Latitude: 41°36'45", Longitude: -76°20'42"),

The project will result in 697 linear feet and 16,020 square feet of temporary stream impacts, 55,484 square feet (1.27 acres) of PEM, PFO, PSS temporary wetland impacts and 25,520 square feet (0.60 acres) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

**E0829-031: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a timber mat bridge impacting 124 linear feet of an unnamed tributary to Black Creek (EV, MF) (Overton, PA Latitude: 41°34'29", Longitude: -76°30'28"),

2. a 16 inch diameter natural gas line and a timber mat bridge impacting 200 linear feet of an unnamed tributary to Black Creek (EV, MF) (Overton, PA Latitude: 41°34'15", Longitude: -76°30'45"),

3. a 16 inch diameter natural gas line and a timber mat bridge impacting 125 linear feet of an unnamed tributary to Black Creek (EV, MF) (Overton, PA Latitude: 41°34'06", Longitude: -76°30'50"),

The project will result in 449 linear feet and 4,254 square feet of temporary stream impacts all for the purpose of installing a natural gas line with associated access roadways.

**E5729-020: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line impacting 5 linear feet of Streby Run (EV, MF) (Overton, PA Latitude: 41°33'24", Longitude: -76°31'02"),

2. a 16 inch diameter natural gas line and a timber mat bridge impacting 126 linear feet of an unnamed tributary to Streby Run (EV, MF) (Overton, PA Latitude: 41°33'09", Longitude: -76°31'14"),

The project will result in 131 linear feet and 887 square feet of temporary stream impacts all for the purpose of installing a natural gas line with associated access roadways.

## 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 Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<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>
PA0070114 (Sewage)	Melanie Manor MHP 2600 Melanie Manor Ringtown, PA 17967-9727	Schuylkill County Union Township	Unnamed Tributary to Dark Run (5-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082465 (Sew)	David Hykes Susquehanna Conference the U.M Church PO Box 511 Waynesboro, PA 17268	Franklin County / Quincy Township	East Branch Antietam Creek / 3-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081043 (Sew)	Guardian Elder Care, Inc. 2 Manor Blvd. Mifflintown, PA 17059-8757	Juniata County / Fermanagh Township	Big Run / 12-A	Y
PA0085103 (IW)	Dorma Door Controls, Inc. Dorma Drive Reamstown, PA 17567	Lancaster County / East Cocalico Township	Stony Run / 7-J	Y
PA0086533 (IW)	General Cable Industries, Inc. 3101 Pleasant Valley Blvd. Altoona, PA 16602-4317	Blair County / Altoona City	Mill Run / 11-A	Y
PA0247561 (Sew)	Noah Lee Stoltzfus 1651 Mountain Road Newburg, PA 17240	Cumberland County / Upper Mifflin Township	Three Square Hollow Run / 7-B	Y
PA0247839 (Sew)	Larry W. & Marilyn King Kings River Haven MHP/Campsite STP 2379 River Road Bainbridge, PA 17502	Lancaster County / Conoy Township	Snitz Creek / 7-G	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. PA0052451**, SEW, **Landenberg Village, LLC**, 104 Landenberg Road, Suite 3, Landenberg, PA 19350-9301.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge up to 0.0012 MGD of treated sewage from a facility known as Wool House STP to East Branch White Clay Creek in Watershed 3-I.

**NPDES Permit No. PA0056944**, SW, **Sunoco Pipeline LP**, 1818 Market Street, Suite 1500, Philadelphia, PA 19103-3136.

This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Stormwater from a facility known as Sunoco Twin Oaks Pump Station to Unnamed Tributary to Marcus Hook Creek in Watershed 3-G.

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

**NPDES Permit No. PA0060518-A1**, Sewage, SIC Code 4952, **Hallstead Great Bend Joint Sewer Authority**, P O Box 747, Great Bend, PA 18821-0747.

This existing facility is located in Great Bend Borough, **Susquehanna County**.

Description of Existing Action: Issuance of an NPDES Permit to revise the Chesapeake Bay compliance schedule: Certificate of Substantial Completion (Plant Fully Operational) and Compliance with Effluent Limitations.

**NPDES Permit No. PA0029017**, Sewage, SIC Code 4952, **Schuylkill Haven Borough Municipal Authority**, 12 W Main Street, Schuylkill Haven, PA 17972-1904.

This existing facility is located in Schuylkill Haven Borough, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

**NPDES Permit No. PA0023736**, Sewage, SIC Code 4952, **Tri-Boro Municipal Authority Susquehanna County**, 83 Erie Boulevard, Susquehanna, PA 18847.

This existing facility is located in Susquehanna Depot Borough, **Susquehanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0261661, Amendment No. 1**, Sewage, **Pravin & Mangla Patel**, 2845 Lebanon Road, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Authorization to discharge to Shearer's Creek in Watershed 7-G.

**NPDES Permit No. PA0081001, Amendment No. 1**, Sewage, **Saint Thomas Municipal Authority**, 6442 Lincoln Way West, St. Thomas, PA 17252.

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

Description of Proposed Action/Activity: Authorization to discharge to Back Creek in Watershed 13-C.

**NPDES Permit No. PA0111422, Amendment No. 1, Sewerage, Thompsontown Borough Municipal Authority,** PO Box 154, Thompsontown, PA 17094.

This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Authorization to discharge to Delaware Creek in Watershed 12-B.

**NPDES Permit No. PA0020214, Amendment No. 1, Sewerage, Mount Union Borough Municipal Authority,** 400 North Duke Street, Mount Union, PA 17066.

This proposed facility is located in Mount Union Borough, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Juniata River in Watershed 12-C.

**NPDES Permit No. PAS203505, Storm Water, Lane Enterprises, Inc.** 1244 Claremont Road, Carlisle, PA 17015.

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

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to unt Letort Spring Run in Watershed 7-B.

**NPDES Permit No. PAS603503, Storm Water, Royal Green, LLC,** PO Box 9, Temple, PA 19560.

This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Schuylkill River in Watershed 3-C.

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

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

**WQM Permit No. 1511404, Sewage, East Whiteland Township,** 209 Conestoga Road, Frazer, PA 19355-1699.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Replacement of pump station and upgrade of force main.

**WQM Permit No. 1584404, Sewage, Renewal & Transfer, Nottingham Property Management LLC,** 1207 Delaware Avenue, Wilmington, DE 19806.

This proposed facility is located in West Nottingham Township, **Delaware County**.

Description of Action/Activity: Permit renewal for the existing land application spray system along with transfer of ownership from W.R. Reid to Nottingham Property Management LLC.

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

**WQM Permit No. 5411403, Industrial Waste, Commonwealth Environmental Systems, L.P.,** P. O. Box 322, Hegins, PA 17938.

This proposed facility is located in Foster Township, **Schuylkill County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater treatment plant to treat landfill leachate.

**WQM Permit No. 5211403, SIC Code 4952, Municipal Authority of the Township of Westfall,** P. O. Box 235, 155 Westfall Town Drive, Matamoras, PA 18336.

This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of a WQM Permit for the construction/modification/operation of the Rose Lane Sewer Extension Project and the River's Edge Pump Station Upgrade.

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

**WQM Permit No. 0611201, CAFO, Jeff and Tracy Rohrer,** 275 Naftzingertown Road, Mohrsville, PA 19541.

This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction, modification, and operation of manure storage facilities consisting of a new 77' x 224' swine barn with four shallow pit underneath storages, containing 75,062 gallons effective storage. Solids separator unit including an 18' diameter, 14' deep concrete circular clarifier tank. The renovation of the existing earthen manure storage pond with an HDPE liner and leak detection system.

### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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



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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1505069-R	Pulte Homes of PA, Limited Partnership 1100 Northbrook Drive Trevose, PA 19053	Chester	East Brandywine Township	Beaver Creek & Culbertson Run (TSF-MF-HQ-TSF-MF)
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*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021311004	Pennsylvania Department of Transportation Engineering District 5-0 1002 Hamilton St. Allentown, PA 18101	Carbon	Nesquehoning Borough	Nesquehoning Creek, HQ-WWF, MF
PAI024010004(1)	PPL Electric Utilities Corp. Two North Ninth St. Allentown, PA 18101	Lackawanna	Ransom Township Newton Township South Abington Township Scott Township Jefferson Township Dickson City Borough Blakely Borough Archbald Borough City of Scranton	Unnamed Tributary to Susquehanna River, CWF, MF; Gardner Creek, CWF, MF; St. John's Creek, CWF, MF; Keyser Creek, CWF, MF; Leggetts Creek, TSF, MF; Unnamed Tributary to Lackawanna River, CWF, MF; Hull Creek, CWF, MF; Wildcat Creek, CWF, MF; Lackawanna River, HQ-CWF, MF; Laurel Run, CWF, MF; Middle Creek, HQ-CWF, MF; White Oak Run, CWF, MF
PAI024805020(1)	Trio Farms PA, LLC 559 Main Street Suite 300 Bethlehem, PA 18018	Northampton	Lower Nazareth Twp.	East Branch of Monocacy Creek, HQ-CWF, MF

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

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

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &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>
Bedminster Township Bucks County	PAG0200 0911029	Bucks County District Attorney's Office 55 East Court Street Doylestown, PA 18901	Deep Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0903046-6	Keystone Turf Club and Bensalem Racing Association 3001 Street Road Bensalem, PA 19020-2006	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2311010	Estate of George R. Atterbury 30 Valley Stream Parkway Malvern, PA 19335-1481	Ithan Creek, Darby Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG0200 2306055-R	Township of Haverford 2325 Darby Road Haverford, PA 19083	Darby Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chadds Ford Township Delaware County	PAG0200 2311013	Rocco D'Antonio 116 Martins Run Media, PA 19063	Tributary No 1 to Harvey Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ridley Township Delaware County	PAG0200 2311015	MGM Ridley Parking, LP 760 Parkers Run Lane Villanova, PA 19085	Stoney Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701**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>
Brady Township Clearfield County	PAG02001711009	Dominion Transmission Inc 654 Carson Hill Rd Luthersburg PA 18848	Little Anderson Creek CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Mifflin & South Centre Townships Columbia County	PAG02001909010R	PA Dept of Transportation 3-0 PO Box 218 Montoursville PA 17754	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310 X 102

*General Permit Type—PAG-03*

<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; Telephone No.</i>
Coatesville Scrap Iron & Metal, Inc. Chester County	PAR800142	Coatesville Scrap Iron & Metal, Inc. 1000 South First Avenue P. O. Box 751 Coatesville, PA 19320	West Branch Brandywine Creek	Southeast Region Water Management 484.250.5970
Warminster Township Bucks County	PAR200017	Greif Industrial Packaging & Services LLC 695 Louis Drive Warminster, PA 18974	UNT to Little Neshaminy Creek / WWF—2F	Southeast Region Water Management 484.250.5970
York County Penn Township	PAR113523	ESAB Welding & Cutting Products 801 Wilson Avenue Hanover, PA 17331	Oil Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
City of Williamsport, Lycoming County	PAR314804 (Stormwater)	Frac Tech Services LLC 215 Reading Avenue Williamsport, PA 17701	UNT to West Branch Susquehanna River, Warm Water Fishes (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-10*

<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>
Asylum, Wyalusing and Tuscarora Townships Bradford County	PAG104827	Tennessee Gas Pipeline Co. 1001 Louisiana Street Houston, TX 77002	Susquehanna River Wyalusing Creek—4-D, WWF	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*General Permit Type—PAG-12*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Manheim Township	PAG123611	Roy Diem 3409 Smoketown Road Spring Grove, PA 17362	UNT of Lake Marburg / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Warwick Township	PAG123639	Mark Will Lexington Farm, LLC 306 East Lexington Road Lititz, PA 17543	UNT to Lititz Run / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

## 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

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

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant	<b>Orograin Bakery Manufacturing, Inc.</b>
[Township or Borough]	Old Lycoming Township
County	<b>Lycoming</b>
Responsible Official	Ms. Tina Rook Orograin Bakery Manufacturing, Inc. 3375 Lycoming Creek Road Williamsport, PA 17701

Type of Facility	Public Water Supply
Consulting Engineer	Robert Weir, P.E. Entech Engineering, Inc. 4 South Fourth Street Reading, PA 19602
Permit Issued	December 14, 2011
Description of Action	Installation of a sodium hypochlorite feed system, replacement of Well No. 1 pump, and construction of 103 feet of 16-inch and 50 feet of 6-inch detention piping to provide 4-log inactivation of viruses.

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

**Innovative Technology Operations Permit** issued to **Brookville Municipal Authority**, PWSID #6330004, Rose Township and Brookville Borough, **Jefferson County**. Permit Number 3309501 issued December 6, 2011 for the operation of the membrane microfiltration water treatment facilities. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on September 22, 2011 with a follow-up inspection conducted on October 31, 2011.

**Operations Permit** issued to **Pennsylvania American Water Company, Wetmore Township, McKean County**. Permit Number 8798W-T1-MA1 issued December 7, 2011 for the requested modifications to the fluoride permit.

**Operations Permit** issued to **Keystone Senior Care, LLC**, PWSID #5100133, Penn Township, **Butler County**. Permit Number 1010501 issued December 7, 2011 for the operation of your Public Water Supply. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on October 14, 2011.

**Operations Permit** issued to **Kennerdell Community North Water System, Inc.**, PWSID #6610859, Kennerdell, **Venango County**. Permit Number 6103502-MA1, issued December 7, 2011 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

<b>Permit No. 2511505</b>	Public Water Supply
Applicant	<b>Girard Borough</b>
Township or Borough	Girard Borough
County	<b>Erie</b>
Type of Facility	Public Water Supply

Consulting Engineer Mark J. Corey, P.E.  
Mark J. Corey & Associates  
P. O. Box 268  
Harborcreek, PA 16421

Permit to Construct December 14, 2011  
Issued

**Permit No. 4311501** Public Water Supply

Applicant **Reynolds Water Company**

Township or Borough Pymatuning Township

County **Mercer**

Type of Facility Public Water Supply

Consulting Engineer Tom Thompson, P.E.  
Gannett Fleming, Inc.  
554 South Erie Street  
Mercer, PA 16137

Permit to Construct December 15, 2011  
Issued

**Operations Permit** issued to **Bradford City Water Authority**, PWSID #6420014, Foster Township, **McKean County**. Permit Number 4211502 issued December 16, 2011 for the operation of the Lafferty Hollow Industrial Park Booster Pumping Station consisting of two (2) 25 gallon per minute (GPM) jockey booster pumps and one (1) 322 gallon per minute fire pump. This permit is issued in response to a pre-operation permit inspection conducted by Department personnel on December 14, 2011.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Settlement Under HSCA/CERCLA

#### AIW Frank/Mid-County West Whiteland Township, Chester County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), 35 P. S. Section 6020.101 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9601 et seq., has entered into a proposed Consent Order and Agreement with the CDS Investment Company, Angelo Joseph D'Ambrosio and Cordine Scartozzi ("Settling Parties") related to the AIW Frank/Mid-County Mustang Superfund Site in West Whiteland Township, Chester County, Pennsylvania.

The AIW Frank/Mid-County Mustang National Priority List ("NPL") Site consists of two properties which had been used at various times for manufacturing styrofoam products, refrigerators, freezers and warming cabinets for institutional and food service industries. Various wastes and contaminated soils were excavated from the Site as part of response actions conducted by the USEPA and the Department. In addition, the Site contains groundwater contamination for which the USEPA and the Department installed a public water line and constructed an on-site groundwater pump and treat system.

The proposed Consent Order and Agreement is a companion settlement with a concurrent agreement between the Settling Parties and the USEPA. Pursuant to both agreements, the Settling Parties will make payments to both the USEPA and the Department and will assign the rights to certain insurance policies over to the USEPA for potential collection and split sharing between

the federal government and the Department. Both the Department and the USEPA have determined that these agreements constitute a reasonable ability-to-pay settlement between the government entities and the Settling Parties.

The Department is also proposing to enter into a companion Prospective Purchaser Agreement ("PPA") with the E. Kahn Development Corporation ("EKDC"), which intends to purchase the property and to use it in a manner consistent with existing uses on the property. Under the terms of the proposed PPA, EKDC agrees not to exacerbate any of the conditions at the property, provide access and right of entry to the Department for continued response actions, and make a contribution to the Department's response costs for the Site.

This notice is provided pursuant to Section 1113 of HSCA, 35 P. S. § 6020.1113. The proposed Consent Order and Agreement and PPA may be examined from 8 AM to 4 PM at the Department's offices at 2 East Main Street, Norristown, PA by contacting Mr. Ragesh Patel at 484-250-5719 or Mr. Anderson Lee Hartzell at 484-250-5866. A public comment period on the proposed Consent Order and Agreement and PPA will extend for a period of 60 days from the date of this notice. Interested persons may submit written comments regarding these agreements to the Department by submitting them to Mr. Patel at the above address.

## 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, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Cricket Hill Golf Course**, RR 2, Cricket Hill Road, Berlin Township, **Wayne County**. Martin P. Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of his client, FNB Holding Corp., 4866 State Route 52, Jeffersonville, NY 12748), concerning the remediation of soil and groundwater found to have been impacted by leaded and unleaded gasoline and diesel fuel as a result of the disposal of these contaminants into an on-lot septic system. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in the *Wayne Independent* on November 26, 2011.

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

**Brickstone Development-Wyomissing Square**, 200 North Park Road, Wyomissing, PA 19610, Borough of Wyomissing, **Berks County**. Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619, on behalf of JMH, Inc., 200 North Park Road, Suite 400, Wyomissing, PA 19610; Wyomissing Square Condominiums, 200 North Park Road, Suite 400, Wyomissing, PA 19610; Wyomissing Square Apartments, LP, 7850 Walker Drive, Suite 400, Greenbelt, MD 20770; Wyona Retail, Inc., 701 Market Street, Philadelphia, PA 19106; and 3D Reading Hotel Partners, LLC, 3460 Olney-Laytonsville Road, Suite 222, Olney, MD 20832, submitted a Final Report concerning remediation of site soils contaminated with arsenic. The report is intended to document remediation of the site to meet the background standard.

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

**Keister Miller Investments, LLC**, Bell Township, **Clearfield County**. KMI Inc., 204 Miller Road, Mahaffey, PA 15757 on behalf of Keister Miller Investments 15757 has submitted a Final Report concerning remediation of site soil contaminated with frac fluid. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans

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

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

The Department has received the following plans and reports:

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

**River Chase Property**, 4431 North Front Street, Harrisburg, PA 17110, Susquehanna Township **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of River Chase Associates, c/o Vision Properties, LLC, 633 West Germantown Pike, Suite 104, Plymouth Meeting, PA 19462, submitted a Final Report concerning remediation of site soils contaminated with waste oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on December 13, 2011.

**Handelman Residence**, 534 Windsor Road, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. Marshall Miller and Associates, Inc., 3913 Hartzdale Drive, Camp Hill, PA 17011, on behalf of Jarad Handelman, 5340 Windsor Road, Harrisburg, PA 17112; Nationwide Agribusiness Insurance, 1100 Locust Street, Dept. 3010, Des Moines, IA 50391-3010; and ABC Fuel Oil Company, 25 North Lockwillow Avenue, Harrisburg, PA 17112, submitted a Final Report concerning remediation

tion of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on December 15, 2011.

**PSECU Elmerton Avenue Site**, northwest corner of intersection of Elmerton Avenue and Kohn Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of PA State Employees Credit Union, PO Box 67013, Harrisburg, PA 17106-7013, submitted a Risk Assessment Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with arsenic and barium. The report and plan were approved by the Department on December 16, 2011. The site is being remediated to the Site-Specific Standard.

### RESIDUAL WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR135. Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512-7955; site: Rolling Hills Landfill. This general permit application is for beneficial use of leachate as a substitute for potable water in flue gas air pollution control devices. This leachate would be used in developing the lime slurry employed in wet scrubber systems for these air pollution control devices. The application proposes to provide approximately 50,000 gallons per day of leachate to resource recovery facilities and other interested industries for beneficial use purposes. The application was determined to be administratively complete by Central Office on November 21, 2011.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR135" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application No. WMGR136. Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512-7955; site: Rolling Hills Landfill. This general permit application is for beneficial use of pretreated leachate as alternate supply water for use in hydraulic fracturing associated with deep shale natural gas drilling. The application proposes to provide up to 100,000 gallons per day of pretreated leachate for beneficial use purposes. The pretreatment of the leachate would occur at Rolling Hills Landfill Wastewater Treatment

Facility. The application was determined to be administratively complete by Central Office on November 21, 2011.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR136" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

### AIR QUALITY

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

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

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

**GP3-46-0098: Harleysville Materials, Inc.** (427 South White Horse Pike, Berlin, NJ 08009) on December 16, 2011, was authorized to operate a terex-pegson crusher in Lower Salford Township, **Montgomery County**.

**GP9-46-0053: Harleysville Materials, Inc.** (427 South White Horse Pike, Berlin, NJ 08009) on December 16, 2011, was authorized to operate a caterpillar C-9 engine generator in Lower Salford Township, **Montgomery County**.

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

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

**54-301-043GP14: Riverside Cremation Services LLC** (25 East Main Street, Schuylkill Haven, PA 17972) on December 8, 2011, to install and operate a human remains crematory at their site in Schuylkill Haven Borough, **Schuylkill County**.

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

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

**GP3-14-338: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on December 15, 2011, to construct and operate a portable non-metallic mineral crusher 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 Confer Quarry located in Burnside Township, **Centre County**.

**GP9-14-338: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on Decem-

ber 15, 2011, to construct and operate one Caterpillar Model C-9 diesel-fired engine with a rating of 350 brake horsepower (bhp) 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 Confer Quarry located in Burnside Township, **Centre County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-30-00213: CNX Gas Co., LLC** (200 Evergreen Drive, Waynesburg, PA 15370) on December 14, 2011, to install and operate two (2) natural gas-fired compressor engines, Caterpillar model G3516B rated at 1,380 brake horsepower, each controlled by an oxidation catalyst at the proposed GH2 Compressor Station in Center Township, **Greene County**.

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

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

**GP9-10-377A: Westinghouse Electric Company, LLC** (1000 Westinghouse Drive, Cranberry Township, PA 16066) on December 12, 2011, for five (5) diesel-fired engines (BAQ-GPA/GP-9) in Cranberry Township, **Butler 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*

**46-0124B: Montgomery Chemicals, LLC** (901 Conshohocken Road, Conshohocken, PA 19428) on December 16, 2011, for the transfer and use of 40.0 tons of VOC Emission Reduction Credits in Plymouth Township, **Montgomery County** from Minnesota Mining & Manufacturing Co. in Bristol Township, Bucks County. Note that this plan approval was issued prior to the end of the comment period because the credits were due to expire on December 17, 2011.

*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: 717-705-4863*

**01-05018A: McClarin Plastics, Inc.** (15 Industrial Drive, Hanover, PA 17331-9530) on December 13, 2011, for construction and temporary operation of two paint spray booths at the thermoformed plastic and fiberglass reinforced plastic products manufacturing facility in Conewago Township, **Adams 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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*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: 717-705-4863*

**31-05014: AGY Huntingdon LLC** (1200 Susquehanna Avenue, Huntingdon, PA 16652-1946) on December 9, 2011, for their fiberglass yarn and mat manufacturing facility in Huntingdon Borough, **Huntingdon County**. The Title V permit was renewed.

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

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

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

**48-00046: Eastern Affiliated Services, Inc.** (2111 Butler Street, Easton, PA 18042) on December 16, 2011, to operate a fuel oil fired boiler at an industrial launderer in Wilson Borough, **Northampton County**. This is a renewal of a State-Only Operating Permit.

*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: 717-705-4863*

**06-03077: FM Brown's Sons, Inc.** (205 Woodrow Avenue, Sinking Spring, PA 19608) on December 12, 2011, for their bird feed manufacturing facility in Sinking Spring Borough, **Berks County**. The State-only permit was renewed.

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

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

**S05-018: Ashland Performance Materials** (2801 Christopher Columbus Boulevard, Philadelphia, PA 19148) administratively amended on December 15, 2011 to change contact information. The Synthetic Minor Operating Permit was originally issued on June 27, 2007.

**S09-012: Philadelphian Condominiums** (2401 Pennsylvania Avenue, Philadelphia, PA 19138) administratively amended on December 14, 2011 to change contact information. The Synthetic Minor Operating Permit was originally issued on October 5, 2009.

**S09-002: RockTenn CP, LLC** (9820 Blue Grass Rd, Philadelphia, PA 19114) administratively amended on December 16, 2011 to incorporate a change of ownership from Smurfit Stone Container Corporation and contact information. The Synthetic Minor Operating Permit was originally issued on March 30, 2009.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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



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

**25-00268: Steris Corporation** (1880 Industrial Drive, Libertyville, IL 60048), on December 15, 2011, for revocation of their State Operating Permit for their facility in Millcreek Township, **Erie County**. The plant removed the boiler which previously was approved under a plan approval. The facility has removed the remaining sources prior to the permit renewal on September 14, 2010. The facility no longer requires an operating permit and the operating permit was therefore revoked.

**37-00293: Cemex Wampum Quarry** (920 Memorial City Way, Houston, TX 77024), on December 15, 2011, for revocation of their State Operating Permit for their Wampum Quarry in Wampum Borough, **Lawrence County**. On August 27, 2010, the Department of Environmental Protection conducted a compliance inspection for the Cemex Wampum Quarry. Based on the inspection report and as verified during the December 14, 2011 renewal inspection of the cement plant, the crushing operations at the quarry were last operated on February 19, 2010. Since it has been greater than one year from the date that the affected sources were operated and a deactivation plan / maintenance plan was not submitted, the sources cannot be reactivated in accordance with 25 Pa. Code § 127.11a and § 127.215. Instead, a plan approval will be required if the facility wishes to re-start any of the crushing equipment. Therefore, the Department hereby revokes Natural Minor Operating Permit No: 37-00293.

**43-00348: American Cap Company LLC** (15 Church Street, PO Box 107, Wheatland, PA 16161), on December 15, 2011, for revocation of their State Operating Permit for their facility in Wheatland Borough, **Mercer County**. The plant indicated the facility no longer requires an operating permit because the processes have been deactivated and the equipment is in the process of being removed from the location. The facility no longer requires an operating permit and the operating permit was therefore revoked.

## 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

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

**56100201, Alverda Enterprises, Inc.**, P. O. Box 245, Alverda, PA 15710, commencement, operation and resto-

ration of a bituminous surface and coal refuse reprocessing mine in Conemaugh Township, **Somerset County**, affecting 11.8 acres. Receiving stream(s): Stonycreek River, classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2010. Permit issued: December 9, 2011.

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

**03090201 and NPDES Permit No. PA0251798. Coal Valley Sales, LLC** (111 Freepoint Road, Pittsburgh, PA 15215). Revision permit issued for 7.0 additional acres to add a haul road to an existing bituminous surface mine, located in Cadogan Township, **Armstrong County**, affecting 79.6 acres. Receiving streams: unnamed tributary to Allegheny River. Revision application received: October 24, 2011. Revision permit issued: December 15, 2011.

### NONCOAL PERMITS ACTIONS

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

**08090806. David E. Davis** (RR 1 Box 3422, Monroeton, PA 18832) Commencement, operation, and restoration of small noncoal (Bluestone) permit located in Orwell, Township, **Bradford County**, affecting 5.0 total acre(s). Receiving stream(s): Unnamed Tributary to Johnson Creek. Application received: June 19, 2009. Application returned: December 6, 2011.

**53110801. Kelly Crosby** (307 E. Oak Street, Coudersport, PA 16915), commencement, operation and restoration of a Bluestone operation in Roulette Township, **Potter County** affecting 5.0 acres. Receiving stream(s): Fishing Creek and Allegheny River. Application received: August 22, 2011. Permit issued: December 5, 2011.

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

**39880302GP104. Coplay Aggregates, Inc.**, (PO Box 143, Orefield, PA 18069), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 39880302 in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Application received: May 9, 2011. Permit issued: December 12, 2011.

**58100304 and NPDES Permit No. PA0224880. Daniel S. Warner**, (2615 Babcock Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Jessup Township, **Susquehanna County** affecting 53.44 acres, receiving stream: unnamed tributary to Big Elk Lake. Application received: December 6, 2010. Permit issued: December 13, 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

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

**11114002. Douglas Explosives**, P. O. Box 77, Philipsburg, PA 16866, blasting activity permit issued for construction of sewage treatment plant in White Township, **Cambria County**. Blasting activity permit end date is December 1, 2012. Permit issued: December 12, 2011.

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

**58114141. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for R Casey Gas Pad in Harford Township, **Susquehanna County** with an expiration date of November 30, 2012. Permit issued: December 14, 2011.

**58114142. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for R Macdowall Gas Pad in Harford Township, **Susquehanna** with an expiration date of December 7, 2012. Permit issued: December 14, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 ten acre exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°40'42"N 77°21'40"W);

36) a temporary road crossing using a mat bridge 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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine forested (EV-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 an exceptional value palustrine emergent (EV-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 (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine forested (EV-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 an exceptional value palustrine forested / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°42'27"N 77°16'23"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 an exceptional value palustrine emergent (EV-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 ten acre exceptional value 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 ten acre exceptional value palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 an exceptional value palustrine emergent (EV-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 ten acre exceptional value palustrine forested (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent (EV-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 ten acre exceptional value palustrine forested (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent / palustrine scrub-shrub (EV-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 an exceptional value palustrine emergent / palustrine scrubshrub (EV-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 an exceptional value palustrine emergent / palustrine scrubshrub (EV-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 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-251.*

**E40-717. William E. & Victoria H. Cannon**, 52 Owl Hole Road, White Haven, PA 18661. Foster Township, **Luzerne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 20-foot wide driveway across 285 feet of EV wetlands with cross pipes spaced 10 feet on center. The driveway will impact 0.13 acre of wetlands. The permittee is required to provide for 0.13 acre(s) of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the north side of SR 0940 approximately 1.7 miles southwest of its intersection with Interstate 80 (White Haven, PA Quadrangle Latitude: 41° 02' 38"; Longitude: -75° 48' 01") in Foster Township, Luzerne County.

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-115-0133

Applicant Name Williams Marcellus Gathering, LLC

Contact Person David Freudenrich

Address 1000 Town Center, Suite 130

City, State, Zip Canonsburg, PA 15317

County Susquehanna County

Township(s) Liberty and Franklin Townships

Receiving Stream(s) and Classification(s) UNT to DuBois

Creek, UNT to Jones Creek, UNT to Snake Creek,

Snake Creek;

Secondary: Susquehanna River

ESCGP-1 # ESX11-027-0009

Applicant Name Carrizo Marcellus, LLC

Contact Person Gary Byron

Address 251 Drain Lick Road

City, State, Zip Drifting, PA 16834

County Centre County

Township(s) Rush Township

Receiving Stream(s) and Classification(s) Moshannon

Creek—TSF, Mountain Branch—CWF;

Secondary: West Branch Susquehanna River

ESCGP-1 # ESX11-081-0126

Applicant Name Anadarko Marcellus Midstream LLC

Contact Person Nathan Bennett

Address 33 W. 3rd Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cummings Township

Receiving Stream(s) and Classification(s) UNT Dam Run,

Dam Run (EV) Ramsey Run (HQ-CWF, MF);

Secondary: Dam Run, Little Pine Creek (EV) Pine

Creek (HQ-TSF, MF)

ESCGP-1 # ESX11-081-0154

Applicant Name Anadarko Marcellus Midstream LLC

Contact Person Nathan Bennett  
Address 33 W. 3rd Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Gamble Township  
Receiving Stream(s) and Classification(s) West Branch  
Murray Run (EV)

ESCGP-1 # ESX11-015-0168 (01)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) Wolfe Creek,  
North Branch of Sugar Creek, and UNTs to North  
Branch Sugar Creek (all TSF-MF)

ESCGP-1 # ESX11-113-0023  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road, Ext., Suite 210  
City, State, Zip Wexford, PA 15090  
County Sullivan County  
Township(s) Cherry Township  
Receiving Stream(s) and Classification(s) 2 UNTs to  
Marsh Run; Marsh Run (both EV);  
Secondary: Little Loyalsock Creek (EV)

ESCGP-1 # ESX11-081-0074 (01)  
Applicant Name Southwestern Energy Production Com-  
pany  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) UNT to Flicks  
Run & Flicks Run (both EV)

ESCGP-1 # ESX11-015-0279  
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) Canton Township  
Receiving Stream(s) and Classification(s) 2 UNTs to  
Beech Flats Creek (TSF, MF);  
Secondary: Towanda Creek (TSF, MF)

ESCGP-1 # ESX11-015-0256  
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) Cash Creek  
(WWF);  
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-117-0131  
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) Kelly Creek to  
Tioga River/Susquehanna River Basin in PA—Tioga  
River (List H); Mad Run to Mill Creek/Susquehanna

River Basin in PA-Tioga River (List H);  
Secondary: Tioga River/Susquehanna River Basin in  
PA-Tioga River (List H); Mill Creek/Susquehanna River  
Basin in PA-Tioga River (List H)

ESCGP-1 # ESX11-131-0040  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Wyoming County  
Township(s) Meshoppen Township  
Receiving Stream(s) and Classification(s) Little Meshop-  
pen Creek; Black Walnut Creek; Tributaries 29454,  
29455, and 29456 to Susquehanna River; Susquehanna  
River (WWF, MF)

ESCGP-1 # ESX11-131-0038  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Wyoming County  
Township(s) Meshoppen and Washington Townships  
Receiving Stream(s) and Classification(s) Meshoppen  
Creek, West Branch Meshoppen Creek (CWF, MF)

ESCGP-1 # ESX11-115-0152  
Applicant Name Southwestern Energy Production Com-  
pany  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Lenox Township  
Receiving Stream(s) and Classification(s) UNT to the East  
Branch of the Tunkhannock Creek (CWF, MF);  
Secondary: Tunkhannock Creek (TSF)

ESCGP-1 # ESX11-115-0149  
Applicant Name Kristy Flavin  
Contact Person Williams Field Services Company, LLC  
Address 1605 Coraopolis Heights Road  
City, State, Zip Moon Township, PA 15108-4310  
County Susquehanna County  
Township(s) Forest Lake Township  
Receiving Stream(s) and Classification(s) UNT to Middle  
Branch-Wyalusing Creek and Forest Lake Creek/Upper  
Susquehanna—Tunkhannock Watershed

ESCGP-1 # ESX11-081-0155  
Applicant Name Anadarko Marcellus Midstream  
Contact Person Nathan S. Bennett  
Address 33 W. 3rd Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) Larry's Creek,  
Steam Valley Run, Wolf Run (HQ, EV)

ESCGP-1 # ESX11-081-0029  
Applicant Name Anadarko Marcellus Midstream  
Contact Person Nathan S. Bennett  
Address 33 W. 3rd Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cummings Township  
Receiving Stream(s) and Classification(s) Little Pine  
Creek (HQ-TSF, MF), Dam Run (EV), UNT Dam Run  
(Sunny Hollow) (EV) UNT to Little Pine Creek (Parker  
Hollow) (EV);  
Secondary: Pine Creek (HQ-TSF, MF), Little Pine  
Creek (HQ-TSF, MF) UNT to Dam Run (EV) Little Pine  
Creek (HA-TSF, MF)

ESCGP-1 # ESX11-015-0262

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Wap-  
pasening Creek, Wappasening Creek (CWF, MF);

Secondary: Wappasening Creek (CWF-MF)

*Northwest Region: Oil and Gas Program Manager 230  
Chestnut St. Meadville, PA 16335*

ESCGP-1 #ESX11-065-0040, Dobson Marcellus Well  
Project

Applicant EQT Production Company

Contact Jonathan Cherry

Address 455 Racetrack Road, Suite 101

City Washington State PA Zip Code 15301

County Jefferson Township(s) Oliver & Ringgold(s)

Receiving Stream(s) and Classification(s) Little Sandy  
Creek/Redbank Creek; Trib to Big Run/Big Run; Big  
Run/Little Sandy Creek CWF

## SPECIAL NOTICES

### Request for Proposals for Municipal Solid Waste Disposal and Processing Capacity

#### The Cumberland County Board of Commissioners and the Cumberland County Recycling & Waste Authority Carlisle, Pennsylvania

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Cumberland County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Cumberland County Recycling & Waste Authority and the Cumberland County Board of Commissioners are hereby soliciting proposals for disposal and processing capacity for Cumberland County generated MSW, to begin in 2012.

### Solicitation for Municipal Solid Waste Disposal and Processing Capacity

The Cumberland County Recycling & Waste Authority will receive sealed proposals until 4:30 p.m., EST on February 21, 2012. On the same day, received proposals will be opened during a 7:00 PM, EST, Cumberland County Recycling & Waste Authority meeting at 18 N. Hanover, St., Suite 105, Carlisle, PA 17013. Printed copies of the Request for Proposals (R.F.P.) may be purchased on or after December 27, 2011 from the Cumberland County Recycling & Waste Authority, 7 Irvine Row, Carlisle, PA 17013 by pre-payment of a non-refundable amount of \$50.00 per proposal. Proposers should make checks payable to Cumberland County. All proposals must contain all required forms and signatures and be organized and formatted in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. The Proposer is required to submit three (3) originals and three (3) copies of the Proposal to Cumberland County Recycling & Waste Authority at the address listed below. Envelopes or packages containing the proposals must be sealed and clearly labeled to show the name and address of the Proposer and the statement "Proposal Disposal Capacity" and be addressed to: Cumberland County Recycling & Waste Authority, 7 Irvine Row, Carlisle, PA 17013

Attention: Mr. Thomas Imphong, Executive Director. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Cumberland County Recycling & Waste Authority and the Board of County Commissioners reserve the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County

## SEWAGE FACILITIES ACT SPECIAL NOTICE

### Special Notice Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. 1535, as amended, 35 P. S. § 750.5

## CATEGORICAL EXCLUSION

*Southeast Region: Water Management Program Man-  
ager, 2 East Main Street, Norristown, PA 19401*

*Project Location:*

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Southern Delaware County Authority (SDCA)	101 Beech Street Boothwyn, PA 19061-4062	Upper Chichester Township	Delaware

*Description:* The Pennsylvania Infrastructure Invest-  
ment Authority, which administers the Commonwealth's  
State Revolving Fund, is intended to be the funding  
source for this project. The Southern Delaware County  
Authority (SDCA) owns the Sanitary Sewer collection  
system which is subject to excessive Inflow/Infiltration  
(I/I) and results in SSO at various manholes. This project  
will abate the I/I with the following projects: 292 Bolt  
Down Frame & Cover; 40 Manhole Liners; 946 LF of 8  
inch pipe lining, 1,308 LF of 8 inch Pre/Post clean/video;  
875 LF of root treatment. The net result will mitigate/  
eliminate the likelihood of future sanitary sewer over-  
flows during storm events. The Department's review of  
the project and the information received has not identi-  
fied any significant, adverse environmental impact result-  
ing from this proposal. The Department hereby categori-  
cally excludes this project from the State Environmental  
Review Process.

[Pa.B. Doc. No. 11-2225. Filed for public inspection December 30, 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.depweb.state.pa.us> (DEP Key-  
words: "eLibrary"). The "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 "Draft Technical Guidance" heading is the  
link to the Department's draft technical guidance docu-  
ments.

The Department will continue to revise its nonregula-  
tory documents, as necessary, throughout 2011.

### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to  
view and download technical guidance documents. When



this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—Minor Revision*

DEP ID: 563-2112-656. Title: Liners—Impoundments, Stockpiles, and Coal Refuse Disposal Areas. Description: Pages 1 and 2 of the previously listed technical guidance document referenced 25 Pa. Code Chapters 101, 101.3 and 101.4, which were moved to Chapters 91, 91.34 and 91.35 in 2000. These references have been changed to reflect this update of 25 Pa. Code. Contact: Questions regarding this technical guidance document should be directed to Michele Hamlin at (717) 787-8320 or mhamlin@pa.gov.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-2226. Filed for public inspection December 30, 2011, 9:00 a.m.]

### **Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988**

The Department of Environmental Protection (Department) announces the submission deadline for 2011 Host Municipality Inspector Program Reimbursement Applications as March 31, 2012. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. §§ 4000.101—4000.1904) and the Hazardous Sites Cleanup Act (Act 108) (35 P. S. §§ 6020.101—6020.1305). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement may not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors

and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If a municipality does not receive but requires an application, or for persons with any questions about this Program, contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870 or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (PA Keyword: "Host Municipality Inspector").

The deadline for submitting applications is 4:30 p.m. on March 31, 2012. Applications post marked after the deadline will not be considered.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-2227. Filed for public inspection December 30, 2011, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application of Berks Urologic Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berks Urologic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@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. 11-2228. Filed for public inspection December 30, 2011, 9:00 a.m.]

### **Application of Bloomsburg Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bloomsburg Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6(b) (relating to identification of personnel).

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 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. 11-2229. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Bradford Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bradford Regional Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 51.23 and 107.62 (relating to positron emission tomography; and oral orders).

This facility is also requesting 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 standard contained in this publication: 5.4.1.1 (relating to location of the catheterization lab).

These requests are 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. 11-2230. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Bradford Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bradford Regional Medical Center 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. 11-2231. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Bucks County GI Endoscopic Surgical Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bucks County GI Endoscopic Surgical Center, LLC has requested an exception to the requirements of 28 Pa. Code §§ 551.3(ii) and 555.31 (relating to definitions; and principle).

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 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. 11-2232. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle 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: 3.6-3.6.10.1, 3.6-3.7.1 and 3.6-3.8.1 (relating to flushing rim clinical sink; hand washing station; and drinking water fountain).

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. 11-2233. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Chestnut Hill Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chestnut Hill Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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 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. 11-2234. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Crozer Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crozer Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 551.3, 555.3, 555.31, 557.3, 567.2 and 567.3.

These requests are 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. 11-2235. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This 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.

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. 11-2236. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards):

Bradford Regional Medical Center  
Lower Bucks Hospital  
Saint Josephs Hospital

These requests are 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 facilities are 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. 11-2237. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Fairgrounds Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fairgrounds Surgical Center has requested an exception to the requirements of 28 Pa. Code

§§ 551.21(d)(2) and 561.1 (relating to criteria for ambulatory surgery; and drugs and biologicals).

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 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. 11-2238. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Fairgrounds Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fairgrounds Surgical Center has requested an exception to the requirement 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. 11-2239. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Geisinger Foss Clinic for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Foss Clinic 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 standard contained in this publication: 2.2-3.4.5.3 (relating to patient toilet).

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. 11-2240. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Hanover Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hanover 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 standard contained in this publication: 2.2-2.2.2.7 (relating to central 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. 11-2241. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Jameson Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral 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.

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. 11-2242. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Magee Womens Hospital of UPMC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital of UPMC 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: 2.2-2.12.6.4 and 2.2-2.12.6.5 (relating to soiled workroom; and environmental services room).

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. 11-2243. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.15 and 138.18(b) (relating to high-risk cardiac catheterizations; and EPS studies).

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 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. 11-2244. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Plaza Surgical, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Plaza Surgical, Inc. has requested an exception to the requirements of 28 Pa. Code § 567.33 (relating to waste disposal).

This 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.

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. 11-2245. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Regional Hospital of Scranton for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Regional Hospital of Scranton 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 standard contained in this publication: 3.2-5.5.7 (relating to cardiac catheterization lab).

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. 11-2246. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Riddle Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Memorial Hospital has requested an exception to the requirements of 28 Pa. Chapter 107 (relating to medical staff).

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 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. 11-2247. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of South Hills Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that South Hills Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-3.4.2 and 3.7-3.4.2.1 (relating to recovery area; and pediatric stations).

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. 11-2248. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of St. Luke's Quakertown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Quakertown Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

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 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. 11-2249. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of Tri State Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Tri State Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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 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. 11-2250. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

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 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. 11-2251. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon 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: 2.2-3.10.2.5, 2.2-3.10.2.6, 2.2-3.10.8.1 and 2.6-2.2.2(1).

This 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.

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. 11-2252. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania 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: 2.2-3.1.3.7 and 2.3-2.2.2.5 (relating to patient toilet room; and hand washing station).

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. 11-2253. Filed for public inspection December 30, 2011, 9:00 a.m.]



# DEPARTMENT OF HEALTH INSURANCE DEPARTMENT

## External Review under the Affordable Care Act

To Health Insurance Entities, Including Managed Care Plans:

On July 29, 2011, the Federal Department of Health and Human Services issued its determination that the Commonwealth of Pennsylvania does not meet federal requirements for external review under the Affordable Care Act (ACA). In addition, on November 22, 2011, the Director of the Appeals and Grievances Division in the Centers for Consumer Information and Insurance Oversight of the Centers for Medicare and Medicaid Services issued a letter to issuers of health insurance in the Commonwealth, requiring them to make good faith efforts to come into compliance with Federal law and to be fully participating in a Federally-administered external review process on January 1, 2012. Both of those communications are available on the Insurance Department's web site under "Federal Health Care Reform." In light of those communications, we issue this notification.

The Pennsylvania Department of Health and Insurance Department (hereinafter "the Departments") hereby remind managed care plans that, while they are required to follow federal law as set out in those communications, the requirements of Article XXI of the Insurance Company Law of 1921, commonly referred to as Act 68, remain in effect after January 1, 2012, except to the extent that federal law has replaced those requirements. Thus, issues of network adequacy, contract review, credentialing, which are dealt with by the Department of Health, and prompt pay, which is dealt with by the Insurance Department, among other matters, will still be reviewed by the relevant department. The Departments will also continue to review as complaints matters that are not considered adverse benefit determinations as defined by the ACA and its regulations<sup>1</sup>, in the same manner as before the passage of the ACA. (Examples of the type of complaints that should continue coming to the PA Departments, and not go to HHS, are complaints relating to contract exclusions, and issues relating to co-payments, formulary changes, out-of-network benefits, and services beyond the contractual limitation.) However, adverse benefit determinations, as defined by the ACA, will be subject to Federal review. As more fully described in the ACA and the accompanying regulations, adverse benefit determinations include issues that relate to denials, reductions, terminations or failures to provide or make payment in whole or in part for a benefit.

It is the hope of the Departments that this transition may be effectuated with the least possible disruption to enrollees. In order to facilitate the upcoming transition, the Departments are requesting that each insurer, including each managed care plan, (1) provide to the Depart-

ments the name, mailing and e-mail addresses, telephone number, and fax number of the individual or individuals who will be the point persons for both internal and external reviews; and (2) inform the Departments of which Federally-administered external review process the plan has selected. Please provide this information in writing by mail or email (a copy of your response to HHS's November 22, 2011 letter will suffice) to Carolyn Morris, Director, Pennsylvania Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120 or camorris@pa.gov and to Melanie Waters, Director, Pennsylvania Department of Health, Bureau of Managed Care, Room 912, Health and Welfare Building, 7th & Forester Streets, Harrisburg, PA 17120 or melwaters@pa.gov as soon as possible but no later than January 31, 2012.

To the extent the implementation of an ACA compliant internal review process or a Federally-administered external review process requires revised language in any of the insurer's policy forms relating to the review process only, please submit a certification to the Accident & Health Bureau of the Insurance Department, executed by an authorized representative, that the policy form has been modified to bring it into compliance with Federal law. To accommodate the immediate nature of this implementation requirement, filing of the certification will exempt the form from the prior filing requirements of Act 159 of 1996 (40 P. S. §§ 3801—3815). (The form published by the Insurance Department relating to the PPACA immediate insurance reforms, at 40 Pa.B. 3754, July 3, 2010, may be modified for this purpose.) Subsequent policy form filings, or policy form filings containing changes beyond this one issue, must comply with the filing requirements of Act 159 of 1996 (40 P. S. §§ 3801—3815).

The Departments are attempting to obtain information regarding to whom consumer inquiries may be made on a Federal level, and when that information is obtained, will provide it to insurers for their use.

The Departments thank you in advance for your attention to this notice and for your prompt response. The new HHS requirements require careful consideration of the review process and the Departments pledge to work with you through this transition.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2254. Filed for public inspection December 30, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Interest Rate Notice

Under sections 806 and 806.1 of The Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year beginning January 1, 2012, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 3% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P. S. §§ 7301—7361), which became due and payable to the Commonwealth on and

<sup>1</sup> 42 U.S.C. § 300gg-19 and 45 C.F.R. Part 147 (health insurance reform requirements for the group and individual health insurance markets). An adverse benefit determination is defined in federal law as "a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part) for, a benefit, including any such denial, reduction, termination, or failure to provide or make payment that is based on a determination of a participant's or beneficiary's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment (in whole or in part) for, a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate." The term also includes a rescission, "whether or not, in connection with the rescission, there is an adverse effect on any particular benefit at that time." See 45 C.F.R. § 147.136(a)(2)(i), incorporating 29 C.F.R. § 2560.503-1(m)(4) (definition of "adverse benefit determination").

after January 1, 1982, shall bear interest at the rate of 3% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 1% per annum. These rates will remain constant until December 31, 2012. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2012.

Although the Tax Reform Act of 1986 amended section 6621 of the Internal Revenue Code, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-2255. Filed for public inspection December 30, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed-timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(2) Falcon HR—Hand-held model. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(7) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut, Post Office Box 947, Chanute, KS 66720.

(8) Genesis-I. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(9) Genesis-II Select. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(11) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(12) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company 3433 East Wood Street, Phoenix, AZ 85040.

(13) Raptor RP-1. Manufactured by Kustom Signals Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(14) Scout Handheld. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(15) Stalker Dual. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(16) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(17) Stalker Dual DSR. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(18) Stalker. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(19) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R.D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Bureau.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC—Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969. (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063. (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103. (Appointed: 09/19/96, Station R9).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206. (Appointed: 07/14/99, Station R10).

Y.I.S., Inc., 1049 North Hartley Street, York, York County, PA 17402. (Appointed: 01/14/75, Station R3).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404. (Appointed: 8/20/04 Station R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057. (Appointed: 03/14/74, Station S54).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501. (Appointed: 03/25/93, Station S39).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 11/25/63, Station S19).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508. (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010. (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 01/03/84, Station S7).

Maruti Auto Service, Inc., 4030 New Falls Road, Bristol, Bucks County, PA 19007. (Appointed 11/4/2008, Station S11).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units. (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/22/83, Station S35).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EL11).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Cannonsburg, Washington County, PA 15317. (Appointed: 07/31/97, Station EL18).

Y.I.S/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 315 Allegheny Street, Holidaysburg, Blair County, 16648. (Appointed: 09/02/77, Station W14).

Cal Tech Labs, 501 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15205. (Appointed: 12/22/07, Station W70).

Department of General Services, Bureau of Procurement, 2221 Forster Street Harrisburg, Dauphin County, PA 17125. (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 10/28/77, Station W29).

Leitzel's Jewelry, 607 East Lincoln Avenue, Myerstown, Lebanon County, PA 17067. (Appointed: 09/01/87, Station W58).

Mountz Jewelers, 1160 Walnut Bottom Road, Carlisle, Cumberland County, PA 17013. (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107. (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 09/15/86, Station W56).

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15656. (Appointed: 6/16/04 Station W10).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630. (Appointed: 05/18/78, Station W40).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station W64).

Y.I.S/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for non-radar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EM6).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station EM21).

Y.I.S/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Michael Smith, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

BARRY J. SCHOCH, P. E.,  
*Secretary*

[Pa.B. Doc. No. 11-2256. Filed for public inspection December 30, 2011, 9:00 a.m.]

### **Bureau of Highway Safety and Traffic Engineering; Access Route Approval**

Under the provisions of 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on November 7, 2011, the following access routes for use by the types of truck combinations as indicated:

1. (x) 102" wide 53' long trailer.
2. (x) 102" wide 48' long trailer.
3. (x) 102" wide twin trailers (28-1/2' maximum length each)
4. (x) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
SR 3024	from SR 10 to SR 3026	2.36
SR 3026	from SR 3024 to T-328	.932
T-328	from SR 3026 to Gate No. 4	.274

The following municipality approved the access routes within their jurisdiction.

*Municipality*

Brecknock Township

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
SR 3024	from SR 10 to SR 3026	2.36
SR 3026	from SR 3024 to T-328	.932
T-328	from SR 3026 to Gate No. 4	.274

Questions should be directed to Matthew Hedge at (717) 772-5462.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 11-2257. Filed for public inspection December 30, 2011, 9:00 a.m.]

**Inspection Advisory Board Meeting**

The Transportation Inspection Advisory Board (Board) will meet on Friday, January 20, 2012. The meeting will begin at 10 a.m. and is open to the public at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Anita M. Wasko will preside.

Members of the public interested in addressing the Board with a concern relating to inspection regulations must contact Troy Roadcap at (717) 783-6823 by Friday, January 13, 2012. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 1:30 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or who require special aids are also requested to contact Troy Roadcap at (717) 783-6823 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, P. E.,  
*Secretary*

[Pa.B. Doc. No. 11-2258. Filed for public inspection December 30, 2011, 9:00 a.m.]

**ENVIRONMENTAL  
QUALITY BOARD**

**Meeting Cancellation**

The January 17, 2012, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, February 21, 2012, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the February 21, 2012, meeting will be available on the Department of Environmental Protection's web site at

<http://www.depweb.state.pa.us> (Select "Public Participation;" "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@pa.gov](mailto:mtate@pa.gov).

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 11-2259. Filed for public inspection December 30, 2011, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, December 15, 2011, and announced the following:

*Action Taken—Regulations Approved:*

State Board of Dentistry #16A-4616: EFDA Program Approval (amends 49 Pa. Code Chapter 33)

Department of Transportation #18-426: Intrastate Motor Carrier Safety Requirements (amends 67 Pa. Code Chapter 231)

Pennsylvania Liquor Control Board #54-67: Connection With Other Business (amends 40 Pa. Code § 3.52)

**Approval Order**

Public Meeting held  
December 15, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq., Dissenting

*State Board of Dentistry—  
EFDA Program Approval;  
Regulation No. 16A-4616 (#2795)*

On September 16, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code Chapter 33. The proposed regulation was published in the October 10, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 9, 2011.

This final-form regulation establishes standards for the education of expanded function dental assistants (EFDAs). It will require EFDA programs to be approved by the Board and establishes criteria for program approval.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 122(o)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
December 15, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Department of Transportation—  
Intrastate Motor Carrier Safety Requirements;  
Regulation No. 18-426 (#2918)*

On October 21, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Transportation (Department). This rulemaking amends 67 Pa. Code Chapter 231. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation amends the Intrastate Motor Carrier Safety Requirements in order to extend the hours of operation for various types of snow removal.

We have determined this regulation is consistent with the statutory authority of the Department (75 Pa.C.S.A. §§ 4704(d) and 6103) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
December 15, 2011

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Pennsylvania Liquor Control Board—  
Connection With Other Business;  
Regulation No. 54-67 (#2912)*

On September 7, 2011, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code § 3.52. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. At its October 20, 2011 public meeting, the Commission voted to disapprove the final-omitted regulation. On November 29, 2011, the revised final-omitted regulation was submitted to the Commission.

The purpose of this final-omitted rulemaking is to amend the Board's existing regulations to allow certain businesses, namely casinos, licensed by both the Board and the Pennsylvania Gaming Control Board, to keep their liquor licenses and their gaming licenses in different subsidiaries of the same parent company.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-2260. Filed for public inspection December 30, 2011, 9:00 a.m.]

**INSURANCE DEPARTMENT****Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 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 office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Hayden and Marva Snyder; file no. 11-183-110410; Erie Insurance Exchange; Doc. No. P11-12-006; January 24, 2012, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony 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.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the 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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2261. Filed for public inspection December 30, 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 hearings 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 hearings will be held in the Insurance Department's regional office 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 Maria E. Parra; file no. 11-188-110711; Nazareth Mutual Insurance Company; Doc. No. P11-12-007; January 26, 2012, 9:30 a.m.

Appeal of David and Janet Vilke; file no. 11-130-109992; Donegal Mutual Insurance Company; Doc. No. P11-12-008; January 25, 2012, 10 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 at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-2262. Filed for public inspection December 30, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Eligible Telecommunications Carriers; Universal Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

Cintex Wireless, LLC, Petition for Limited Designation as Eligible Telecommunications Carrier, Doc. No. P-2011-2273320

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site [www.puc.state.pa.us](http://www.puc.state.pa.us) or hard copies are available for a fee by written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact person for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau (717) 787-6166.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2263. Filed for public inspection December 30, 2011, 9:00 a.m.]

### Gas Service

**A-2011-2278280. C. E. Dunmire Gas Company, Inc.** Application of C. E. Dunmire Gas Company, Inc. for approval of the abandonment of gas service to a single customer in North Buffalo Township, Armstrong County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before January 17, 2012. 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. 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:* C. E. Dunmire Gas Company, Inc.

*Through and By Counsel:* Todd S. Stewart, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North 10th Street, P. O. Box 1778, Harrisburg, PA 17105

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2264. Filed for public inspection December 30, 2011, 9:00 a.m.]

**Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual 2011 Update; Doc. No. M-00051865**

**Implementation Order**

The Pennsylvania Public Utility Commission (“Commission”) adopted an Order, at its December 15, 2011 public meeting, that adopted the 2012 version of the Energy-Efficiency and DSM Rules for Pennsylvania’s Alternative Energy Portfolio Standard, Technical Reference Manual (“TRM”). A copy of the Order can be found on the Commission’s website at <http://www.puc.state.pa.us/pcdocs/1158183.docx>. A copy of the 2012 version of the TRM and its appendices can be found on the Commission’s website at <http://www.puc.state.pa.us/pcdocs/1158402.docx>, <http://www.puc.state.pa.us/pcdocs/1158407.xls> and <http://www.puc.state.pa.us/pcdocs/1158407.xls>.

In implementing the Alternative Energy Portfolio Standards Act, 73 P. S. §§ 1648.1—1648.8, the Commission had previously adopted an Energy-Efficiency and DSM Rules for Pennsylvania’s Alternative Energy Portfolio Standard, Technical Reference Manual (“TRM”), entered October 3, 2005. Subsequently, in the Energy Efficiency and Conservation (“EE&C”) Program Implementation Order, entered on January 16, 2009 at Docket No. M-2008-2069887, the Commission adopted the TRM as a compo-

ment of the EE&C Program evaluation process. In that Implementation Order, the Commission also noted that the TRM will need to be updated and expanded to fulfill the requirements of the EE&C Program.

In the Order entered June 1, 2009 at Docket No. M-00051865, the Commission directed that the TRM be updated on an annual basis. The Commission’s adoption of the 2012 TRM concludes the current annual update to the TRM.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-2265. Filed for public inspection December 30, 2011, 9:00 a.m.]

**STATE BOARD OF VEHICLE  
MANUFACTURERS,  
DEALERS AND  
SALESPERSONS**

**Bureau of Professional and Occupational Affairs v.  
Sean M. Casey; Doc. No. 0505-60-11**

On November 14, 2011, Sean M. Casey, license no. MV111668L, of Philadelphia, Philadelphia County, had his license revoked based upon his criminal convictions of crimes of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-2266. Filed for public inspection December 30, 2011, 9:00 a.m.]