

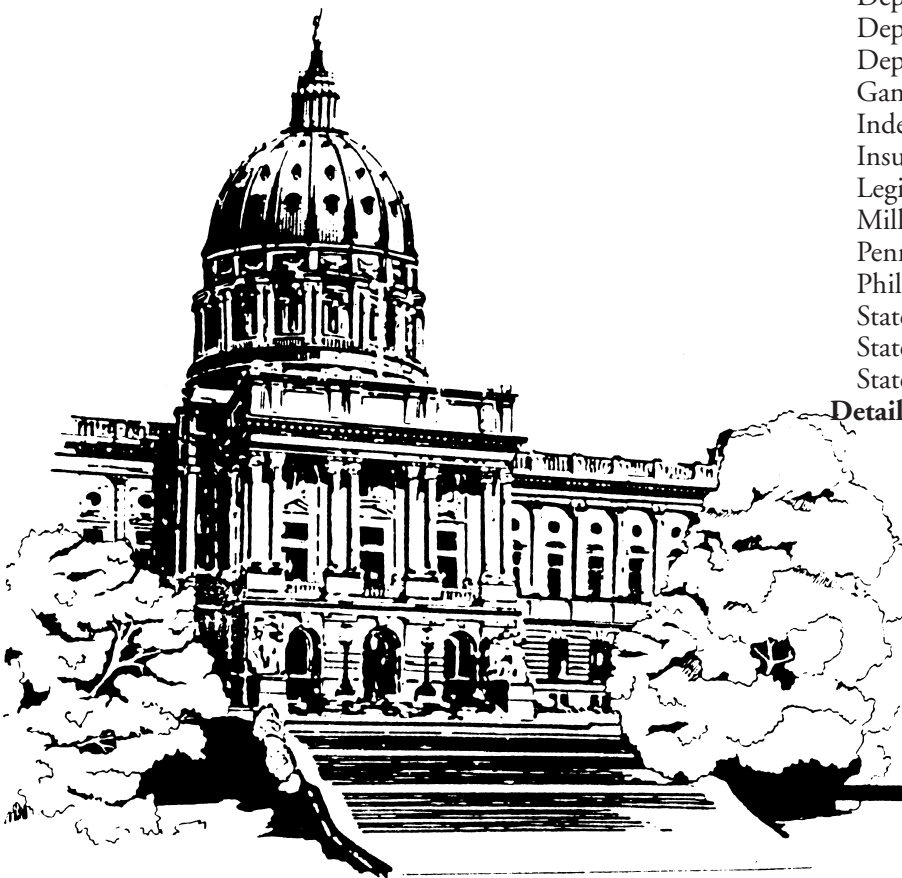
# PENNSYLVANIA BULLETIN

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State Employees' Retirement Board  
State Real Estate Commission

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(Master Transmittal Sheets):**

**No. 448, March 2012**

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

## *Pennsylvania Bulletin*

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania 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 when the agency may omit the proposal step; it 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, it must repropose.

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

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

### ***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.

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Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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

### Fiscal Notes

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

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

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The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 3 AND 15 ]

#### Proposed Amendments to Pa.R.A.P. 313 and 1501

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Criminal Procedure 587 and revise the Comments to Rules of Criminal Procedure 580 and 605. The proposed rule changes clarify the procedures when a defendant files a motion to dismiss based on double jeopardy grounds. At the same time, the Appellate Court Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania also amend Rules of Appellate Procedure 313 and 1501 to codify the procedure for seeking appellate review of the trial court's pretrial determination that the motion to dismiss based on double jeopardy grounds is frivolous. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The two Committees worked jointly in developing these proposals, and the following Explanatory Comment highlights the joint considerations in formulating this proposal, as well as the specific appellate considerations. It precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

The text of the proposed changes to the rules follows the Explanatory Comment. Additions are shown in bold; deletions are in bold and in brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel. All communications in reference to the proposed amendment should be sent no later than, Monday, May 1, 2012 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
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By the Appellate Court Procedural Rules Committee  
HONORABLE RENÉE COHN JUBELIRER,  
Chair

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### INTERLOCUTORY APPEALS

#### Rule 313. Collateral Orders.

\* \* \* \* \*

(c) *Exception for double jeopardy determinations of frivolousness.*—Where the trial court denies a pretrial motion seeking dismissal of criminal charges on double jeopardy grounds (including grounds raised under 18 Pa.C.S. §§ 109–111) and also determines that the double jeopardy claim is frivolous, the order denying dismissal is not immediately appealable as a collateral order unless the determination of frivolousness is found to be erroneous. Accordingly, immediate review can be secured only if the affected party files a petition for review from the determination of frivolousness under Chapter 15, subject to the following procedures.

(1) *Manner of Obtaining Judicial Review of Frivolousness Determinations.*—In order to secure pretrial review, a petition for review must be filed in the appellate court that would have jurisdiction over an appeal from a final order in the case within thirty (30) days of the trial court's determination of frivolousness. If the petition for review is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified.

(2) *Contents.*—The petition for review need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(i) A statement of the basis for the jurisdiction of the appellate court.

(ii) The text of the order in question, and the date of its entry in the trial court. If the order is voluminous, it may, if more convenient, be appended to the petition.

(iii) A concise statement of the case containing the facts necessary to an understanding of the frivolousness issue(s) presented.

(iv) The question(s) presented, expressed in the terms and circumstances of the case but without unnecessary detail.

(v) A concise statement of the reasons why the trial court erred in its determination of frivolousness.

(vi) There shall be appended to the petition a copy of any opinions delivered relating to the order sought to be reviewed, including findings of fact and conclusions of law in support of the frivolousness determination, as well as a copy of any transcripts or other record documents necessary to the appellate court's review.

(vii) There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations or other similar enactments which the case



involves, and the citation to the volume and page where they are published, including the official edition, if any.

(viii) There shall be appended to the petition any briefs filed in the trial court in support of the motion to dismiss.

(3) *Caption and parties.*—The parties in the trial court shall be named as parties in the appellate court. If there are multiple defendants but the order for which review is sought adjudicates the motion of only a single defendant, only that defendant may file a petition for review.

(4) *No supporting brief.*—All contentions in support of a petition shall be set forth in the body of the petition as prescribed by Paragraph (c)(2)(v) of this rule. No separate brief in support of the petition for review will be received, and the prothonotary of the appellate court will refuse to file any petition for review to which is annexed or appended any brief other than the briefs filed in the trial court.

(5) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(6) *Effect of filing petition.*—A petition for review shall not stay the proceedings before the trial court, unless the trial court or the appellate court or a judge thereof shall so order.

(7) *Answer to petition for review.*—Within 14 days after service of a petition for review the Commonwealth or other adverse party may file an answer. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. The answer need not be set forth in numbered paragraphs in the manner of a pleading, but it shall set forth any procedural, substantive or other argument or ground why the petition for review should be denied. No separate motion to dismiss a petition for review will be received. A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing an answer, file a letter stating that the party does not intend to file an answer to the petition for review. The failure to file an answer will not be construed as concurrence in the petition for review. The appellate court may, however, direct the respondent to file an answer.

(8) *Grant of petition for review and transmission of record.*—If the petition for review is granted, the prothonotary of the appellate court shall immediately give written notice of the entry of the order to the clerk of the trial court and to each party who has appeared in the appellate court. The grant of the petition for review shall operate as a stay of all trial court proceedings. The clerk of the trial court shall docket the notice in the same manner as a notice of appeal and shall mail that notice to all parties to the trial court proceeding. The certified record shall be transmitted and filed in accordance with Chapter 19 (preparation and transmission of the record and related matters). The times fixed by those provisions for transmitting the record shall

run from the date of the entry of the order granting the petition for review. No party needs to file a separate notice of appeal.

(9) *Denial of petition for review.*—If the petition for review is denied, the prothonotary of the appellate court shall immediately give written notice of the order to the clerk of the trial court and to each party who has appeared in the appellate court.

*Official Note:* Rule 313 is a codification of existing case law with respect to collateral orders. See *Pubar v. Greco*, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Corp.*, 337 U.S. 541 (1949)). Examples of collateral orders include an order denying a pre-trial motion to dismiss based on double jeopardy, *Commonwealth v. Brady*, 510 Pa. 363, 508 A.2d 286, 289—91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court makes a finding that motion is not frivolous); an order denying a petition to permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989 (1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: *Darlington, McKeon, Schuckers and Brown, 1 Pennsylvania Appellate, Practice Second Edition, §§ 313:1—313:201* (1994) and *Byer, Appealable orders under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts* (PBI No. 1994-869); *Pines, Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction*, 91 Dick. L. Rev. 55, 107—115 (1986).

If an order falls under Rule 313, an immediate appeal may be taken as of right simply by filing a notice of appeal, **except where a determination of frivolousness has been made by a trial court in resolving a double jeopardy motion.** The procedures set forth in Rule 341(c) and 1311 do not apply under Rule 313.

Subsection (c) prescribes the procedures for securing review of a trial court order denying a pretrial motion seeking dismissal of criminal charges on double jeopardy grounds, where the trial court makes a finding that the double jeopardy claim is frivolous. *Commonwealth v. Orié*, 22 A.3d 1021 (Pa. 2011); *Commonwealth v. Brady*, 510 Pa. 336, 508 A.2d 286 (1986). The trial court's determination and the procedure for determining a motion to dismiss on double jeopardy grounds is set forth in Pennsylvania Rule of Criminal Procedure 580. A trial court order denying a pretrial motion seeking dismissal of criminal charges on double jeopardy grounds that does not make a finding that the double jeopardy claim is frivolous is appealable as of right as a collateral order. *Commonwealth v. Bolden*, 472 Pa. 602, 373 A.2d 90 (Pa. 1977); *Commonwealth v. Orié*, 22 A.3d 1021 (Pa. 2011); Note, *supra*, listing examples of collateral orders. There is, however, no collateral order if the motion is determined to be frivolous, and the trial court may proceed, even if a party files an improper notice of appeal. See Rule of Appellate Procedure 1701(b)(6). Accordingly, the only means for securing pretrial review of a double jeopardy determination that has been deemed to be frivolous is to file a petition for review of the frivolousness determination.

This is a petition for review pursuant to Rule 1501(a)(4). The petition for review procedure specified in subsection (c) is modeled after the procedures in Chapter 13 for seeking, responding to, and acting on petitions for review from orders of lower tribunals refusing to amend otherwise unappealable interlocutory orders to permit the filing of a petition for permission to appeal with the appellate court. Where the petition for review of the determination of frivolousness is granted, the grant automatically initiates a separate appeal on the merits from the order denying the pretrial motion seeking dismissal of criminal charges on double jeopardy grounds. A party may seek (or a court may *sua sponte* issue) a stay of the trial court proceedings pending review of the frivolousness determination. Otherwise, the trial court may proceed while the petition for review is pending. See Rule of Appellate Procedure 1701(d). Where the petition for review of the determination of frivolousness is granted, the grant automatically initiates a separate appeal on the merits from the order denying the pretrial motion seeking dismissal of criminal charges on double jeopardy grounds. A grant of the petition for review stays further proceedings in the trial court.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

IN GENERAL

Rule 1501. Scope of Chapter.

(a) *General rule.*—Except as otherwise prescribed by Subdivisions (b) and (c) of this rule, this chapter applies to:

\* \* \* \* \*

(4) Matters designated by general rule, e.g., review of orders refusing to certify interlocutory orders for immediate appeal, release prior to sentence, appeals under Section 17(d) of Article II of the Constitution of Pennsylvania [ and ], review of special prosecutions or investigations and a trial court's finding of frivolousness when a defendant requests dismissal pretrial on double jeopardy grounds.

\* \* \* \* \*

**Official Note:** This chapter applies to review of any “determination” of a “government unit” as defined in Rule 102 assuming, of course, that the subject matter of the case is within the jurisdiction of a court subject to these rules (see Subdivision (d) of this rule). A “determination” means “action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.” The term “government unit” is all inclusive and means “the Governor and the departments, boards, commissions, officers, authorities and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).” The term “administrative agency” is not defined in these rules, although the term is used in these rules as a result

of its appearance in Section 9 of Article V of the Constitution of Pennsylvania.

Subdivision (a)(4) was added in 2004 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered. See Rule 1762(b). A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2004 amendments clarify the use of petitions for review in these special situations. **In 2012, Rule 313 was amended to codify the procedure for filing a petition for review of a determination of frivolousness of a request for dismissal on double jeopardy grounds.**

\* \* \* \* \*

Explanatory Comment

I. Background

The Committee, in conjunction with the Criminal Procedural Rules Committee,<sup>1</sup> is planning to propose to the Supreme Court amendments to Rules of Appellate Procedure 313 and 1501.

The Supreme Court in *Commonwealth v. Orié*, \_\_ Pa \_\_, 22 A.3d 1021 (2011), clarified the appropriate procedures to be followed in the appellate court when a criminal defendant seeks review of a trial court’s determination, in the context of dismissing the defendant’s pre-trial double jeopardy challenge, that the challenge is frivolous. The Court asked the Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee to evaluate the procedural framework that the Court had set forth for possible further refinement and codification.

There are two postures in which a matter can reach an appellate court after a trial court denies a motion to dismiss on double jeopardy grounds. First, if the court denies the motion but does not deem it frivolous, a defendant has a collateral order appeal as of right, clearly governed by Rule 313 and initiated by a Notice of Appeal. Second, if the trial court denies the motion but also deems the challenge to be frivolous, the mechanism for challenging such a determination is by means of a petition for review. The Committees propose to add the procedure for the petition for review to Rule 313 so that both procedures for seeking review of a trial court order denying a motion to dismiss on double jeopardy grounds are in a single location in the Rules of Appellate Procedure.

Because the procedure to be followed to secure review is dictated by whether the trial court finds frivolousness, the Committees concluded that it would be helpful to the bench and bar if the Criminal Rules were amended to provide express procedures for a trial court to follow in resolving a defendant’s motion to dismiss on double jeopardy grounds.

Accordingly, the Recommendation proposes that the Criminal Procedural Rules:

- require that the motion state specifically and with particularity the grounds for the motion and the facts supporting the motion;

<sup>1</sup> The Criminal Procedural Rules Committee is proposing to amend Rule of Criminal Procedure 587 and revise the Comments to Rules of Criminal Procedure 580 and 605.

- require a hearing on the record in open court; and
- require the judge to make findings of fact and conclusions of law on the record at the conclusion of the hearing,

Under the proposed Criminal Procedural Rule amendments, the trial judge will be required to advise the defendant on the record of his or her appellate rights. When the judge makes a finding that the motion is frivolous, the judge will advise the defendant that he or she has the right to file a petition for review within 30 days of the order denying the motion. When the judge denies the motion but does not find it frivolous, the judge will advise the defendant the denial is immediately appealable as a collateral order under the Appellate Rules. The proper procedure to follow where the trial court does not make a determination that the claim is frivolous continues to be governed by existing Pa.R.A.P. 313, but the recommendation will ensure that the petition for review will be as well.

Because the term “petition for review” can refer to documents filed for various purposes, some within a court’s appellate jurisdiction and others in a court’s original jurisdiction, the Appellate Rules explain the different petitions for review and the procedures applicable to each in Chapter 15 of the Rules of Appellate Procedure. The Committees believed that, while it was appropriate to include this petition for review in the list of petitions for review in Pa.R.A.P. 1501, it would be confusing for the bar to have to look in two different Chapters for procedures governing a denial of a motion to dismiss on double jeopardy grounds. For that reason, the Note to Rule 1501 cross-references to Rule 313.

[Pa.B. Doc. No. 12-475. Filed for public inspection March 16, 2012, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

### [ 231 PA. CODE CH. 200 ]

#### Order Amending Rule 240 of the Rules of Civil Procedure; No. 557 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 2nd day of March, 2012, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for comment at 38 Pa.B. 337 (January 19, 2008) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 939 No. 3, Vol. 940 No. 1):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 240 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 2, 2012.

Mr. Justice Saylor and Madame Justice Todd dissent.

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 240. In Forma Pauperis.

\* \* \* \* \*

(c) Except as provided by subdivision (d), the party shall file a petition and an affidavit in the form prescribed by subdivision (h). The petition may not be filed prior to the commencement of an action **or proceeding** or the taking of an appeal.

(1)(i) If the petition is filed simultaneously with the commencement of the action **or proceeding** or with the taking of the appeal, the prothonotary shall docket the **[ action and petition or shall accept the appeal ] matter** and petition without the payment of any filing fee.

(ii) If the court shall thereafter deny the petition, the petitioner shall pay the filing fee for commencing the action **or proceeding** or taking the appeal. A party required to pay such fee may not without leave of court take any further steps in the action, **proceeding** or appeal so long as such fee remains unpaid. Not sooner than ten days after notice of the denial of the petition pursuant to Rule 236, the prothonotary shall enter a judgment of non pros in the action **or proceeding** or strike the appeal if the fee remains unpaid. The action, **proceeding** or appeal shall be reinstated only by the court for good cause shown.

(2) If the action **or proceeding** is commenced or the appeal is taken without the simultaneous filing of a petition, the appropriate filing fee must be paid and shall not be refunded if a petition is thereafter filed and granted.

(3) **[ The ] Except as provided by subdivision (j)(2), the court shall act promptly upon the petition and shall enter its order within twenty days from the date of the filing of the petition. If the petition is denied, in whole or in part, the court shall briefly state its reasons.**

\* \* \* \* \*

(f) A party permitted to proceed in forma pauperis shall not be required to

(1) pay any cost or fee imposed or authorized by Act of Assembly or general rule which is payable to any court or prothonotary or any public officer or employee, or

(2) post bond or other security for costs as a condition for commencing an action **or proceeding** or taking an appeal.

\* \* \* \* \*

(j)(1) If, simultaneous with the commencement of an action or proceeding or the taking of an appeal, a party has filed a petition for leave to proceed in forma pauperis, the court prior to acting upon the petition may dismiss the action, proceeding or appeal if the allegation of poverty is untrue or if it is satisfied that the action, proceeding or appeal is frivolous.

**Official Note:** A frivolous action or proceeding has been defined as one that “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed.2d 338 [ (1990) ] (1989).

**(2) If the petitioner commences the action by writ of summons, the court shall not act on the petition**

for leave to proceed in forma pauperis until the complaint is filed. If the complaint has not been filed within ninety days of the filing of the petition, the court may dismiss the action pursuant to subdivision (j)(1).

\* \* \* \* \*

**Explanatory Comment**

Present subdivision (j) provides for a court, prior to acting on a petition to proceed in forma pauperis, to dismiss an action, proceeding, or appeal if the allegation of poverty in the petition is untrue, or if the court is satisfied that the action, proceeding, or appeal is frivolous. However, subdivision (j) did not consider the situation where an action is commenced by the issuance of a writ of summons. The amendment to subdivision (j) requires the party commencing an action by writ of summons and seeking to proceed in forma pauperis to file the complaint within ninety days of filing the petition. The court would not make a determination on the petition until the complaint is filed. If the complaint is not filed within the ninety-day time period, the court may dismiss the action pursuant to procedures set forth in subdivision (j)(1).

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 12-476. Filed for public inspection March 16, 2012, 9:00 a.m.]

**Title 234—RULES OF CRIMINAL PROCEDURE**

[ 234 PA. CODE CH. 1 ]

**Order Amending Rules 140, 141 and 142 of the Rules of Criminal Procedure; No. 410 Criminal Procedural Rules Doc.**

**Order**

*Per Curiam*

And Now, this 1st day of March, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 4143 (July 24, 2010), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 996), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Criminal Procedure 140, 141, and 142 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2012.

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES**

**PART D. Procedures Implementing 42 Pa.C.S. §§ 4137, 4138, and 4139: Criminal Contempt Powers of District Justices, Judges of the Pittsburgh Magistrates Court, and Judges of the Traffic Court of Philadelphia**

Rule 140. Contempt Proceedings Before [ **District Justices** ] **Magisterial District Judges**, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges.

**(A) CONTEMPT IN THE PRESENCE OF THE COURT**

1. An issuing authority may summarily hold an individual in contempt for misbehavior in the presence of the court [ **which** ] **that** obstructs the administration of justice, and, after affording the individual an opportunity to be heard, may impose a punishment of a fine of **not more than \$100** or imprisonment [ **as provided by law** ] **for not more than 30 days or both.**

\* \* \* \* \*

3. The issuing authority shall issue a written order of contempt, in which the issuing authority shall:

a. set forth the facts of the case [ **which** ] **that** constitute the contempt;

\* \* \* \* \*

**(B) CONTEMPT NOT IN THE PRESENCE OF THE COURT**

**1. INSTITUTION OF PROCEEDINGS**

a. An issuing authority may institute contempt proceedings by either

(1) giving written notice to the alleged contemnor of the time, date, and place of the contempt hearing, or

(2) when deemed appropriate by the issuing authority, issuing an attachment by means of a warrant,

whenever a person is alleged to have (i) failed to obey a subpoena issued by the issuing authority; (ii) failed to comply with an order of the issuing authority directing a defendant to pay fines and costs in accordance with an installment payment order; (iii) failed to comply with an order of [ **a district justice** ] **an issuing authority** directing a defendant to compensate a victim; **or** (iv) [ **violated an order issued pursuant to 23 Pa.C.S. § 6110; or** (v) ] failed to comply with an order of an issuing authority in any case in which the issuing authority is by statute given the power to find the person in contempt.

b. If the proceedings are instituted by notice, the notice shall:

(1) specify the acts or omissions and the essential facts constituting the contempt charged;

(2) advise what the [ **statutorily provided** ] punishment may be for a finding of contempt in the case;

(3) if, in the event of a finding of contempt, there is a likelihood that the punishment will be imprisonment, advise the alleged contemnor of the right to the assistance of counsel and that counsel will be assigned pursuant to Rule 122 if the alleged contemnor is without financial resources or is otherwise unable to employ counsel; and

(4) advise the alleged contemnor that failure to appear at the hearing may result in the issuance of a **bench warrant** [ **of arrest** ].

\* \* \* \* \*

**2. HEARING**

\* \* \* \* \*

b. At the conclusion of the hearing:

\* \* \* \* \*

(3) If the issuing authority finds contempt and imposes punishment, the issuing authority shall issue a written order of contempt setting forth:

(a) the facts of the case [ **which** ] that constitute the contempt;

\* \* \* \* \*

c. The issuing authority shall not hold a contempt hearing in the absence of the alleged contemnor. If the alleged contemnor fails to appear for the contempt hearing, the issuing authority may continue the hearing and issue a **bench warrant [ of arrest ]**.

### 3. PUNISHMENT

**Punishment for contempt may not exceed the limits set forth as follows:**

**a. Whenever a person is found to have failed to obey a subpoena issued by the issuing authority, punishment may be a fine of not more than \$100. Failure to pay the fine within a reasonable time may result in imprisonment for not more than 10 days.**

**b. Whenever a person is found to have failed to comply with an order of the issuing authority directing a defendant to pay fines and costs in accordance with an installment payment order, punishment may be imprisonment for not more than 90 days.**

**c. Whenever a person is found to have failed to comply with an order of an issuing authority directing a defendant to compensate a victim, punishment may be a fine of not more than \$100 or imprisonment for not more than 30 days, or both.**

#### Comment

This rule sets forth the procedures to implement 42 Pa.C.S. §§ 4137, 4138, and 4139 concerning contempt powers of the minor judiciary, as well as any other statutes subsequently enacted [ **which** ] that would provide for findings of contempt by the minor judiciary. It is not intended to supplant the procedures set forth in 23 Pa.C.S. § [ **6113** ] **6110 et seq.** concerning violations of protection from abuse orders.

The scope of the contempt powers of [ **district justices** ] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges is governed by 42 Pa.C.S. §§ 4137, 4138, and 4139 respectively. Therefore, as used in this rule, “issuing authority” refers only to [ **district justices** ] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges when acting within the scope of their contempt powers. **However, 42 Pa.C.S. §§ 4137(c), 4138(c), and 4139(c) contain limitations upon the punishment that a minor court may impose for contempt. Such statutory limitations were held to be unconstitutional in Commonwealth v. McMullen, 599 Pa. 435, 961 A.2d 842 (2008).**

By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Mu-

**nicipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.**

All contempt proceedings under this rule are to be entered on the issuing authority’s miscellaneous docket, and a separate docket transcript for the contempt proceeding is to be prepared. If an appeal is taken, the issuing authority is required to forward the transcript and the contempt order to the clerk of courts. *See* Rule 141.

Paragraph (A) sets forth the procedures for handling contempt proceedings when the misbehavior is committed in the presence of the court and is obstructing the administration of justice. *See* 42 Pa.C.S. §§ 4137(a)(1), 4138(a)(1), and 4139(a)(1). This type of contempt is commonly referred to as “direct” or “summary” contempt. The issuing authority may immediately impose punishment without a formal hearing because prompt action is necessary to maintain or restore order in the courtroom and to protect the authority and dignity of the court. Although immediate action is permitted in these cases, the alleged contemnor is ordinarily given an opportunity to be heard before the imposition of punishment. *See Commonwealth v. Stevenson, 482 Pa. 76, 393 A.2d 386 ([ Pa. ] 1978).*

Customarily, individuals are not held in summary contempt for misbehavior before the court without prior oral warning by the presiding judicial officer.

Paragraph (B) provides the procedures for instituting and conducting proceedings in all other cases of alleged contemptuous conduct subject to the minor judiciary’s statutory contempt powers, which are commonly referred to as “indirect criminal contempt” proceedings.

**For purposes of this rule, the phrase “failed to obey a subpoena issued by the issuing authority” in paragraph (B)(1)(a) is intended to include the failure to obey any other lawful process ordering the person to appear before an issuing authority.**

Pursuant to 42 Pa.C.S. §§ 4137(a)(2), (3), and (4), [ **and (5),** ] 4138(a)(2) and (3), and 4139(a)(2) and (3), only [ **district justices** ] **issuing authorities** have the power to impose punishment for contempt of court for failure to comply with an order directing a defendant to compensate a victim [ **or an order issued pursuant to 23 Pa.C.S. § 6110** ]. *See* paragraph (B)1.a.

“Indirect criminal contempt” proceedings must be instituted either by serving the alleged contemnor with a notice of the contempt hearing, or by issuing an attachment in the form of a warrant. The alleged contemnor must be afforded the same due process protections that are normally provided in criminal proceedings, including notice of the charges, an opportunity to be heard and to present a defense, and counsel. *See, e.g., Codispoti v. Pennsylvania, 418 U.S. 506 (1974), and Bloom v. Illinois, 391 U.S. 194 (1968).*

When a warrant [ **of arrest** ] is executed under this rule, the alleged contemnor should be taken without unreasonable delay before the proper issuing authority.

Although 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3) permit an issuing authority to impose sum-

mary punishments for indirect criminal contempt when a defendant fails to comply with an order of the issuing authority directing the defendant to pay fines and costs in accordance with an installment payment order, nothing in this rule is intended to preclude an issuing authority from proceeding pursuant to Rule 456 (Default Procedures: Restitution, Fines, and Costs).

No defendant may be sentenced to imprisonment if the right to counsel was not afforded at the contempt hearing. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972). Also see Rule 454 concerning counsel in summary cases. The Supreme Court in *Commonwealth v. Abrams*, 461 Pa. 327, 336 A.2d 308 ([ Pa. ] 1975) held that the right to counsel applies in cases of criminal contempt. See also *Commonwealth v. Crawford*, 466 Pa. 269, 352 A.2d 52 ([ Pa. ] 1976).

For the assignment of counsel, follow the Rule 122 procedures for summary cases.

For waiver of counsel, follow the Rule 121 procedures for proceedings before an issuing authority.

For the procedures for taking, perfecting, and handling an appeal from an order entered pursuant to this rule, see Rule 141.

If a contemnor defaults in the payment of a fine imposed as punishment for contempt pursuant to [ 42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c) ] this rule, the matter is to proceed as provided in Rule 142.

See Chapter 5 Part C concerning bail before a contempt hearing. See 42 Pa.C.S. § 4137(e) concerning a [ district justice's ] magisterial district judge's authority to set bail after an adjudication of contempt.

Paragraphs (A)2.e and (B)2.b(2)(e) require the issuing authority to set a date for the contemnor to pay any fine or to appear for execution of any punishment of imprisonment. This date should be at least 35 days from the date of the contempt proceeding to allow for the expiration of the 30-day automatic stay period and the 5-day period within which the clerk of courts is to serve a copy of the notice of appeal on the issuing authority. See Rule 141.

Paragraph (B)2.b(5) requires that the case be reviewed at the conclusion of a contempt hearing to determine whether the restitution order or the fines and costs installment order should be altered or amended, rather than scheduling another hearing. This review should be conducted whether or not the [ district justice ] issuing authority finds an individual in contempt for failure to comply with an order to pay restitution, or whether or not the issuing authority finds an individual in contempt for failure to comply with an installment order to pay fines and costs. For the authority to alter or amend a restitution order, see 18 Pa.C.S. § [ 106(c)(2)(iii) ] 1106(c)(3).

**Official Note:** Rule 30 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 140 and amended March 1, 2000, effective April 1, 2001; Comment revised March 26, 2004, effective July 1, 2004; amended March 1, 2012, effective July 1, 2012.

*Committee Explanatory Reports:*

Final Report explaining the provisions of new Rule 30 published with the Court's Order at 27 Pa.B. 5405 (October 18, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

Final Report explaining the March 26, 2004 Comment revision concerning right to counsel published with the Court's Order at 34 Pa.B. 1931 (April 10, 2004).

**Final Report explaining the amendments concerning limitations on punishment for contempt published with the Court's Order at 42 Pa.B. 1367 (March 17, 2012).**

Rule 141. Appeals from Contempt Adjudications by [ District Justices ] Magisterial District Judges, Pittsburgh Magistrates Court Judges, or Philadelphia Traffic Court Judges.

\* \* \* \* \*

(E) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) either the notice of the hearing or a copy of the attachment;
- (3) the contempt order; and
- (4) any bench warrant [ of arrest ].

\* \* \* \* \*

#### Comment

This rule provides the procedures for taking an appeal from a finding of contempt by a [ district justice ] magisterial district judge, a Pittsburgh Magistrates Court judge, or a Philadelphia Traffic Court judge.

As used in this rule, "issuing authority" refers only to [ district justices ] magisterial district judges, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges when acting within the scope of their contempt powers. See 42 Pa.C.S. §§ 4137, 4138, and 4139.

**By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.**

**As the Pennsylvania Supreme Court stated in *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008), legislative limitations on a court's power to sentence for contempt are unconstitutional.**

Pursuant to paragraph (B), any punishment imposed for contempt will be automatically stayed for 30 days from the date of the imposition of the punishment, during which time a notice of appeal may be filed with the clerk of courts. To the extent that 42 Pa.C.S. §§ 4137(d), 4138(d), and 4139(d) are inconsistent with this rule, they are suspended by Rule 1101 (Suspension of Acts of Assembly).

If no notice of appeal is filed within the 30-day period following imposition of the punishment, Rule 140 requires the issuing authority to direct the contemnor on a date

certain to pay any fine imposed or to appear for execution of any punishment of imprisonment.

See 42 Pa.C.S. § 4137(e) concerning the imposition of bail as a condition of release by a [ **district justice** ] **magisterial district judge**.

The procedures set forth in Rule 462 (Trial [ **de** ] *De Novo*) for a trial *de novo* on a summary case should be followed when a contempt adjudication is appealed to the common pleas court.

\* \* \* \* \*

**Official Note:** Rule 31 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 141 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; **amended March 1, 2012, effective July 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of new Rule 31 published with the Court's Order at 27 Pa.B. 5405 (October 18, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ **1477** ] **1478** (March 18, 2000).

Final Report explaining the February 28, 2003 amendments concerning contempt appeals published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the March 26, 2004 Comment revision concerning right to counsel published with the Court's Order at 34 Pa.B. 1931 (April 10, 2004).

**Final Report explaining the amendments regarding limitations on punishment for contempt published with the Court's Order at 42 Pa.B. 1367 (March 17, 2012).**

**Rule 142. Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt.**

(A) If a contemnor defaults on the payment of a fine imposed as punishment for contempt pursuant to [ **42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c)** ] **Rule 140(A)(1) and (B)(3)**, the issuing authority shall notify the contemnor in person or by first class mail that within 10 days of the date on the default notice the contemnor must either:

- (1) pay the amount due as ordered, or
- (2) appear before the issuing authority to explain why the contemnor should not be imprisoned for nonpayment as provided by law, or a **bench** warrant for the contemnor's arrest shall be issued.

\* \* \* \* \*

**Comment**

This rule provides the procedures governing defaults in the payment of fines imposed as punishment for contempt in proceedings before [ **district justices** ] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic Court judges. See [ **42 Pa.C.S. §§ 4137(c), 4138(c), or 4139(c)** ] **Rule 140(A)(1) and (B)(3)**.

As used in this rule, "issuing authority" refers only to [ **district justices** ] **magisterial district judges**, Pittsburgh Magistrates Court judges, and Philadelphia Traffic

Court judges when acting within the scope of their contempt powers. See 42 Pa.C.S. §§ 4137, 4138, and 4139.

**By Orders dated November 29, 2004, 34 Pa.B. 6507 (December 11, 2004) and February 25, 2005, 35 Pa.B. 1662 (March 12, 2005), the Pennsylvania Supreme Court created an administrative judicial unit referred to as the Pittsburgh Municipal Court and assigned all matters within the jurisdiction of the Pittsburgh Magistrates Court to the Pittsburgh Municipal Court. As a result of these orders, the Pittsburgh Magistrates Court is no longer staffed while the Pittsburgh Municipal Court is staffed by Allegheny County magisterial district judges assigned on a rotating basis. The terminology is retained in these rules because the Pittsburgh Magistrates Court, which is created by statute, has not been disestablished by the statute.**

For contempt procedures generally, see Rule 140.

**As the Pennsylvania Supreme Court stated in *Commonwealth v. McMullen*, 599 Pa. 435, 961 A.2d 842 (2008), legislative limitations on a court's power to sentence for contempt are unconstitutional.**

When a contemnor defaults on a payment of a fine, paragraph (A) requires the issuing authority to notify the contemnor of the default, and to provide the contemnor with an opportunity to either pay the amount due or appear within a 10-day period to explain why the contemnor should not be imprisoned for nonpayment. If the contemnor fails to pay or appear, the issuing authority must issue a **bench** warrant for the arrest of the contemnor.

If the hearing on the default cannot be held immediately, the issuing authority may set bail as provided in Chapter 5 Part C.

This rule contemplates that when there has been an appeal pursuant to paragraph (C), the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

**Official Note:** Rule 32 adopted October 1, 1997, effective October 1, 1998; renumbered Rule 142 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; **amended March 1, 2012, effective July 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of new Rule 32 published with the Court's Order at 27 Pa.B. 5405 (October 18, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 rule changes deleting "show cause" published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

**Final Report explaining the rule changes regarding limitations on punishment for contempt published with the Court's Order at 42 Pa.B. 1367 (March 17, 2012).**

**FINAL REPORT<sup>1</sup>**

***Amendments to Pa.Rs.Crim.P. 140, 141, and 142***

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

### Limitations on Punishment for Contempt in the Minor Courts

On March 1, 2012, effective July 1, 2012, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 140 (Contempt Proceedings Before District Justices, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges), 141 (Appeals from Contempt Adjudications by District Justices, Pittsburgh Magistrates Court Judges, and Philadelphia Traffic Court Judges), and 142 (Procedures Governing Defaults in Payment of Fine Imposed as Punishment for Contempt) to provide for limitations on punishment for contempt before the minor judiciary.

On December 18, 2008, the Court issued the opinion in *Commonwealth v. McMullen*, 961 A.2d 842 (Pa. 2008), which held, *inter alia*, that the Legislature may not “create a form of indirect criminal contempt and restrict the court’s ability to punish individuals who commit contempt of court,” and therefore 42 Pa.C.S. § 4136(b), which provides that the punishment for the indirect criminal contempt addressed in the statute is limited to a fine not exceeding \$100 or imprisonment not exceeding 15 days and that the defendant is entitled to a jury trial, “unconstitutionally restricts the court’s ability to punish for contempt.” This case was brought to the Committee’s attention because, although the case addresses only the provisions of 42 Pa.C.S. § 4136(b) (indirect criminal contempt), 42 Pa.C.S. § 4137(c) also mandates the sentence that may be imposed for contempt before magisterial district judges. From its review of the *McMullen* opinion and these statutes, as well as the Committee’s history of Rules 140-142, the Committee concluded that the holding in *McMullen* applied to the statutory limitations on punishment imposed on the minor judiciary.

Rules 140, 141, and 142, adopted in 1997, implement 42 Pa.C.S. § 4137 providing the procedures for instituting the contempt proceedings, etc., but do not address the punishment provisions in 42 Pa.C.S. § 4137(c).<sup>2</sup> The rules also reference 42 Pa.C.S. §§ 4138 and 4139 defining similar contempt powers for the Pittsburgh Magistrates Court and Philadelphia Traffic Court, respectively. In considering the scope of the *Mullen* opinion, the Committee reasoned that parameters should be placed on the imposition of punishment by the minor courts for contempt. Furthermore, the members agreed that the statutory limitations were reasonable, but that such limitations belong more properly in the Criminal Rules. Accordingly, Rule 140 has been amended by the addition of punishment provisions that are comparable to the provisions in 42 Pa.C.S. § 4137(c).

Rule 140 is the general rule for contempt procedures in the magisterial district courts, the Pittsburgh Magistrates Court, and the Philadelphia Traffic Court. Rule 140 breaks the procedures down into two contempt categories, contempt committed in the presence of the court, and contempt occurring outside of the presence of the court. Each contempt category and associated procedures are described separately. The punishment limitations for contempt before the court are incorporated into paragraph (A)(1). The punishment limitations for contempt occurring outside of the presence of the court are enumerated in new paragraph (B)(3).

One of the punishment limitations listed in 42 Pa.C.S. § 4137 applies to a violation of an order issued pursuant

to 23 Pa.C.S. § 6110, the portion of the Protection from Abuse Act authorizing emergency protection from abuse orders to be issued by the minor judiciary. The Committee concluded that protection from abuse proceedings are unique and that any punishment limitations in the rare circumstance under which the minor judiciary would adjudicate contempt under this statute are not appropriately addressed in a general Rule of Criminal Procedure. In view of this, the reference to 23 Pa.C.S. § 6110 was deleted from Rule 140(B)(2). Correlatively, the existing language in the first paragraph of the Comment that explains that the rule “is not intended to supplant the procedures set forth in 23 Pa.C.S. § 6113 concerning violations of protection from abuse orders” would be expanded to include the entire Protection from Abuse Act, 23 Pa.C.S. § 6110 *et seq.*

Rule 140 contains one category of contempt for which the statutes do not provide any limitation on punishment. That category is described as a failure to “comply with an order of an issuing authority in any case in which the issuing authority is by statute given the power to find the person in contempt.” The Committee noted that the only example of such a statute not covered by the existing punishment provisions is found in 42 Pa.C.S. § 1523 that permits the magisterial district judge to issue an order directing the parent or guardian of the juvenile to appear at the hearing in summary cases before a magisterial district judge in which the defendant is a juvenile. Since failing to obey the order to appear is qualitatively the same as failing to obey a subpoena, language has been added to the Rule 140 Comment clarifying that the rule’s use of the phrase “failed to obey a subpoena issued by the issuing authority” includes any other lawful process ordering the person to appear before an issuing authority.

Another revision to the Rule 140 Comment is an explanation regarding the status of the Pittsburgh Magistrates Court. Currently, the Pittsburgh Magistrates Court is no longer staffed and its function has been taken over by the Pittsburgh Municipal Court that is staffed by magisterial district judges. However, since the Magistrates Court has never been disestablished and theoretically could be re-staffed, the terminology is retained in the rules with an explanation in the Comments to Rules 140, 141, and 142 about the establishment of the Pittsburgh Municipal Court and the status of the Magistrates Court.

Rule 141 provides procedures for appeal from contempt findings in the minor courts, and does not address any matters related to punishment limitations. Therefore, only a general cross-reference to holding in the *McMullen* case has been added to the Comment.

Rule 142 provides procedures for the handling of defaults in payment of fines imposed for contempt. The Rule 142 Comment contained cross-references to the punishment provisions of the statutes. Conforming to the other changes, that cross-reference has been changed to refer to the punishment provisions that have been added to Rule 140.

[Pa.B. Doc. No. 12-477. Filed for public inspection March 16, 2012, 9:00 a.m.]

<sup>2</sup> At the time, the Committee believed that the scope of the punishment was substantive and therefore not subject for the Court’s rule-making authority, and did not question the constitutionality of the punishment provisions of the statutes.



## [ 234 PA. CODE CHS. 5 AND 6 ]

**Proposed Amendments to Pa.R.Crim.P. 587 and Proposed Revisions to the Comments to Pa.Rs.Crim.P. 580 and 605**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Criminal Procedure 587 and revise the Comments to Rules of Criminal Procedure 580 and 605. The proposed rule changes clarify the procedures when a defendant files a motion to dismiss based on double jeopardy grounds. At the same time, the Appellate Court Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania also amend Rules of Appellate Procedure 313 and 1501 to codify the procedure for seeking appellate review of the trial court's pretrial determination that the motion to dismiss based on double jeopardy grounds is frivolous. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed changes to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
Pennsylvania Judicial Center

601 Commonwealth Ave., Suite 6200, P. O. Box 62635  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521 or e-mail: criminal.rules@pacourts.us  
no later than Monday, May 1, 2012.

By the Criminal Procedural Rules Committee:

PHILIP D. LAUER,  
*Chair*

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 5. PRETRIAL PROCEDURES IN COURT  
CASES**

**PART F(1). Motion Procedures****Rule 580. Disposition of Pretrial Motions.**

Unless otherwise provided in these rules, all pretrial motions shall be determined before trial. Trial shall be postponed by the court for the determination of pretrial motions, if necessary.

**Comment**

**See Rule 587(B) for the procedures for motions to dismiss on double jeopardy grounds.**

**Official Note:** Rule 309 adopted June 30, 1964, effective January 1, 1965; renumbered Rule 310 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1,

1978; renumbered Rule 580 March 1, 2000, effective April 1, 2001; **Comment revised** , 2012, **effective** , 2012.

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Report explaining the proposed revision of the Comment adding a citation to Rule 587 concerning motions to dismiss on double jeopardy grounds published for comment at 42 Pa.B. 1370 (March 17, 2012).**

**Rule 587. Motion for Dismissal.****(A) UNTIMELY FILING OF INFORMATION.**

(1) Upon motion and a showing that an information has not been filed within a reasonable time, the court may order dismissal of the prosecution, or in lieu thereof, make such other order as shall be appropriate in the interests of justice.

[ (B) ] (2) The attorney for the Commonwealth shall be afforded an opportunity to respond.

**(B) DOUBLE JEOPARDY.**

(1) **A motion to dismiss on double jeopardy grounds shall state specifically and with particularity the basis for the claim of double jeopardy and the facts that support the claim.**

(2) **A hearing on the motion shall be scheduled in accordance with Rule 577 (Procedures Following Filing of Motion). The hearing shall be conducted on the record in open court.**

(3) **At the conclusion of the hearing, the judge shall enter on the record a statement of findings of fact and conclusions of law and shall issue an order granting or denying the motion.**

(4) **In a case in which the judge denies the motion, the findings of fact shall include a specific finding as to frivolousness.**

(5) **If the judge makes a finding that the motion is frivolous, the judge shall advise the defendant on the record that a defendant has a right to file a petition for review of that determination pursuant to Rule of Appellate Procedure 313(c) within 30 days of the order denying the motion.**

(6) **If the judge denies the motion but does not find it frivolous, the judge shall advise the defendant on the record that the denial is immediately appealable as a collateral order.**

**Comment**

*Cf.* Pa.R.J.A. 1901 concerning termination of inactive cases.

**[ See Rule 575 for the procedures governing motions and answers. ]**

**A motion filed pursuant to this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).**

In any case in which a summary offense is joined with a misdemeanor, felony, or murder charge, and therefore is part of the court case, a dismissal of the prosecution pursuant to paragraph (A)(1) would include the dismissal of the summary offense. *See* the Comment to Rule 502 (Instituting Proceedings in Court Cases).

“Hearing,” as used in paragraph (B)(2) includes the taking of testimony, or the hearing of argument, or both. See Rule 115 for the procedures for the recording and transcribing of the hearing.

Paragraph (B)(4) requires the judge to make a specific finding whether the motion is being dismissed as frivolous. The judge should expressly cite on-point controlling case law that would make the claim frivolous. See, e.g., *Commonwealth v. Gains*, 383 Pa.Super. 208, 217, 556 A.2d 870, 874 (1989). (“A frivolous claim is a claim clearly and palpably without merit; it is a claim which presents no debatable question.”). A mere adverse decision of the case does not mean the matter is frivolous.

Although the judge is required to advise the defendant of his or her appellate rights in paragraphs (B)(5) and (B)(6) upon dismissing the motion, nothing in this rule is intended to preclude the defendant from proceeding to trial without first appealing the double jeopardy question. See, e.g., *Commonwealth v. Lee*, 490 Pa. 346, 350, 416 A.2d 503, 504 (1980). (“Unquestionably, appellant could have sought immediate appellate review of the question involved. For whatever reason, however, appellant proceeded to trial without first appealing the double jeopardy question. We believe that a defendant may choose to proceed to trial and if convicted, still challenge the propriety of the pretrial motion to dismiss on double jeopardy grounds on appeal.” citations omitted)

For the procedures for challenging the denial of the motion to dismiss on double jeopardy grounds when the judge makes a finding that the motion is frivolous, see Rule of Appellate Procedure 313(c).

Pursuant to Rule of Appellate Procedure 1701(d), the filing of a petition for review does not affect the judge’s power to proceed further in the case while the petition for review is pending.

**Official Note:** Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March 9, 2006, effective September 1, 2006; amended , 2012, effective , 2012.

*Committee Explanatory Reports:*

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 amendment of paragraph (B) published with the Court’s Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the March [ 3 ] 9, 2006 Comment revision concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court’s Order at 36 Pa.B. 1392 (March 25, 2006).

Report explaining the proposed provisions of the new paragraph (B) concerning motions to dismiss on double jeopardy grounds published for comment at 42 Pa.B. 1370 (March 17, 2012).

## CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

### PART A. General Provisions

#### Rule 605. Mistrial.

\* \* \* \* \*

#### Comment

This rule replaces the practice of moving for the withdrawal of a juror.

Examples of “manifest necessity” can be found in *Commonwealth v. Stewart*, 456 Pa. 447, 317 A.2d 616 ([ Pa. ] 1974); *Commonwealth v. Brown*, 451 Pa. 395, 301 A.2d 876 ([ Pa. ] 1973); *United States ex rel. Russo v. Superior Court of New Jersey*, Law Division, Passaic County, 483 F.2d 7 (3rd Cir. 1973), cert. denied, 414 U.S. 1023 (1973); *United States v. Tinney*, 473 F.2d 1085 (3rd Cir. 1973), cert. denied, 412 U.S. 928 (1973); *United States v. Jorn*, 440 U.S. 470 (1971); and *United States v. Perez*, 9 Wheat. 579 (1824); see also *Illinois v. Somerville*, 410 U.S. 458 (1973).

See Rule 587(B) for the procedures when a motion to dismiss on double jeopardy grounds is filed.

**Official Note:** Rule 1118 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; renumbered Rule 605 and amended March 1, 2000, effective April 1, 2001; Comment revised , 2012, effective , 2012.

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

Report explaining the proposed revision of the Comment adding a citation to Rule 587 concerning motions to dismiss on double jeopardy grounds published for comment at 42 Pa.B. 1370 (March 17, 2012).

## REPORT

### *Proposed Amendments to Pa.R.Crim.P. 587, and Proposed Revisions to the Comments To Pa.Rs.Crim.P. 580 and 605*

#### Motion to Dismiss Based on Double Jeopardy Grounds

##### I. Background

The Committee, in conjunction with the Appellate Court Procedural Rules Committee,<sup>1</sup> is planning to propose to the Supreme Court amendments to Rule of Criminal Procedure 587 that would clarify the procedures when a defendant files a motion to dismiss based on double jeopardy grounds. The Committee also is proposing correlative revisions to the Comments to Rules of Criminal Procedure 580 and 605.

The Supreme Court in *Commonwealth v. Orié*, \_\_ Pa \_\_, 22 A.3d 1021 (2011), clarified the appropriate procedure for an appellate court to follow when a trial court dismisses a defendant’s pre-trial double jeopardy challenge as frivolous. The Court asked the Appellate Court Procedural Rules Committee and the Criminal Procedural

<sup>1</sup> The Appellate Court Procedural Rules Committee proposal is for amendments to Pa.Rs.A.P. 313 (Collateral Orders) and 1501 (Scope of Chapter).

Rules Committee to evaluate the Court's proposed procedural framework for possible further refinement.

During the Committees' discussions of the *Orie* case and the Court's directive, in addition to considering the appellate procedures that should apply when a judge determines that a pretrial motion to dismiss on double jeopardy grounds is frivolous,<sup>2</sup> the members also noted that there is no uniformity in how motions to dismiss on double jeopardy grounds currently are handled at the trial level. They reasoned this lack of uniformity contributes to the confusion with regard to challenging the dismissal of these motions in the appellate courts. The Committees therefore agreed that it would be helpful to the bench and bar if the Criminal Rules would be amended to provide the procedures in the court of common pleas when the defendant files a motion to dismiss based on double jeopardy grounds.

#### Discussion of Proposed Rule Changes

The Committees determined the procedures governing motions to dismiss on double jeopardy grounds, in terms of the importance of protecting a defendant's rights, of creating a record at the trial level for purposes of appeal and preserving all parties' positions, and of ensuring the defendant understands his or her appeal rights, most closely compare to the procedures for a motion to suppress in Rule 581. Specifically, the procedures that, *inter alia*:

- require that the motion state specifically and with particularity the grounds for the motion and the facts supporting the motion;
- require a hearing on the record in open court; and
- require the judge to make findings of fact and conclusions of law on the record at the conclusion of the hearing,

also should govern the procedures when a motion to dismiss on double jeopardy grounds is filed.

The proposed new procedures would be added to Rule 587 (Motion for Dismissal) as new paragraph (B). Paragraph (B)(1) requires that the motion state specifically and with particularity the basis for the claim of double jeopardy and the facts supporting the claim. This requirement also is comparable to Rule 575(A)(2)(c).

Paragraph (B)(2) requires that there be a hearing conducted in open court. The Committees reasoned that a hearing on the record is vital to preserve the parties' positions. As elaborated in the Comment, the "hearing" in this context may include taking testimony, taking testimony and presenting arguments, or merely presenting arguments as the judge determines necessary in a given case.

Paragraph (D)(3) requires that the judge enter on the record findings of fact and conclusions of law at the conclusion of the hearing and issue an order granting or denying the motion. Paragraph (D)(4) adds the requirement that if the judge denies the motion, the judge also must make specific findings as to frivolousness. The members noted, anecdotally, that frequently judges will deny the motion to dismiss on double jeopardy grounds and not make a finding with regard to frivolousness until a defendant challenges the denial of the motion, and that

some judges do not explain the basis for finding the motion frivolous. Recognizing that these practices are another source of the confusion and of the problems with challenging the denial of these motions, and because the correct avenue of appeal in cases involving motions to dismiss based on double jeopardy grounds depends on whether there has been a finding of frivolousness, the proposal requires the trial judge to make a specific finding as to frivolousness at the time the judge decides the double jeopardy motion, and that there must be a record made of the judge's reasons for his or her findings. Furthermore, the Rule 587 Comment would be revised to include a cross-reference to *Commonwealth v. Gains*, 383 Pa.Super. 208, 217, 556 A.2d 870, 874 (1989), to provide guidance about what constitutes a frivolous claim. The Comment explains that "a 'frivolous claim is a claim clearly and palpably without merit; it is a claim which presents no debatable question'" and a "mere adverse decision of the case does not mean the matter is frivolous."

Paragraphs (D)(5) and (D)(6) require that the judge advise the defendant on the record of his or her appellate rights. When the judge makes a finding that the motion is frivolous, paragraph (D)(5) requires the judge to advise the defendant that he or she has the right to file a petition for review within 30 days of the order denying the motion. When the judge denies the motion but does not find it frivolous, paragraph (D)(6) requires the judge to advise the defendant the denial is immediately appealable as a collateral order under the Appellate Rules.

One issue related to the defendant's appellate rights concerned the consequences of a defendant failing to challenge a denial of a motion to dismiss on double jeopardy grounds. Although in the ordinary situation a failure to timely appeal may result in a waiver, because of the constitutional ramifications of a double jeopardy claim, case law has held that a defendant may defer a challenge to a denial of such a motion until the conclusion of the trial. As an aid to the bench and bar, the Committees agreed to include a cross-reference to *Commonwealth v. Lee*, 490 Pa. 346, 350, 416 A.2d 503, 504 (1980), that explains that a defendant may, but does not have to, challenge a denial of the double jeopardy motion immediately after the denial and may wait until the conclusion of the trial to appeal.

The Comment also would include a cross-reference to the new Appellate Rule provisions concerning petitions for review set forth in Rule of Appellate Procedure 313(c). As a further aid to the bench and bar, the Comment includes a cross-reference to Rule of Appellate Procedure 1701(d) to make it clear that the filing of a petition for review does not affect the judge's power to proceed further in the case while the petition for review is pending.

Finally, cross-references to the new Criminal Rule provisions in Rule 587 would be added to the Comments to Rules 580 (Disposition of Pretrial Motions) and 605 (Mistrial).

[Pa.B. Doc. No. 12-478. Filed for public inspection March 16, 2012, 9:00 a.m.]

<sup>2</sup> As explained more fully in the Appellate Court Procedural Rules Committee's published proposal, when a defendant moves for a dismissal on double jeopardy grounds and the judge determines the motion is frivolous, the mechanism for challenging such a determination would be a petition for review. If the pretrial motion seeking dismissal on double jeopardy grounds is dismissed but not because of a finding of frivolousness, then the claim is immediately appealable as of right as a collateral order and the appropriate avenue for a challenge is to file a notice of appeal.

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Capital Case Counsel Qualification; General Court Regulation No. 2012-02

*And Now*, this 27th day of February, 2012, it is hereby *Ordered, Adjudged and Decreed* that the operation of this Court's Homicide Appointment System Committee (HAS Committee) is temporarily suspended. This action is taken in order to immediately increase the number of qualified criminal defense lawyers willing to accept court appointment to represent indigent defendants in capital cases in the First Judicial District. The HAS Committee's approved panel for this representation consists of a total of twelve lawyers, a number which is insufficient to meet the immediate needs of the Court. Reliance solely on the approved panel would exhaust the list after the first six new capital cases requiring court appointed private counsel. Inevitably, this would lead to multiple capital case appointments for attorneys on the panel, which is a major part of the problem this Court is working to correct.

Presently, the Supreme Court of Pennsylvania is considering a Report and Recommendations intended to substantially reduce the unacceptable delay in the trial of homicide cases, particularly capital cases, in the First Judicial District. As an interim step in support of this effort, the Administrative Governing Board has increased the fees for indigent capital case representation by the private bar pursuant to a Notice issued on February 22, 2012. However, the HAS Committee's present application and review process and 25 page application will not allow for an increase in the number of attorneys available for appointment in these cases within the time frame necessary to deal promptly and effectively with this issue which is of such great concern to the Supreme Court and, indeed, to everyone interested in the effective functioning of the Criminal Justice System in these most important cases.

Accordingly, until further Order by the Administrative Judge, applications from any attorney who wishes to be considered for a court appointment in a First Judicial District capital case will be available in Courtroom 1105, C.J.C. The homicide calendar judge, with such assistance as he may request, will consider these applications and determine which lawyers are qualified for addition to the currently existing HAS approved capital trial panel. Attorneys added to the capital trial panel through this process will be expected to be available for appointment through December 31, 2012. It is anticipated that no attorneys added to the panel through this process will be asked to accept appointment in more than two capital cases during this calendar year, and attorneys may limit their acceptance of appointments to one capital case per year.

During this period the HAS Committee will review its procedures and notify the Bar when it is prepared to accept new applications for court appointments to be made beginning on January 1, 2013.

This General Court Regulation is promulgated in accordance with Pa.R.Crim.P. No. 105 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. This General Court Regulation shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for General

Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas, Philadelphia County, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this General Court Regulation and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this General Court Regulation shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE JOHN W. HERRON  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 12-479. Filed for public inspection March 16, 2012, 9:00 a.m.]

## PHILADELPHIA COUNTY

### Motions to Vacate or Reduce Bail Forfeitures; Administrative Order No. 01 of 2012

#### Order

*And now*, this 29th day of February, 2012, in order to streamline the filing and review of motions to vacate or reduce bail forfeitures, it is hereby *Ordered, Adjudged and Decreed* that:

1) all motions to vacate or reduce bail forfeitures will be filed with the Clerk of Courts (the Office of the Clerk of Quarter Sessions having been abolished) in Room 310, Criminal Justice Center, 1301 Filbert Street, Philadelphia, PA 19107;

2) until further notice, no filing fee will be assessed or collected for the filing of motions to vacate or reduce bail forfeitures;

3) the court-approved *Motion to Vacate or Reduce Bail Forfeitures* shall be substantially as follows in Exhibit "A" and may be modified by the court from time to time;

4) as provided in Pa.R.Crim.P. 122(B)(2), after final judgment in the criminal case and any direct appeal thereof, representation of the defendant by court-appointed counsel shall cease and court appointed counsel shall not provide representation in connection with motions to vacate or reduce bail forfeitures unless privately retained by the defendant or surety;

5) upon filing, the *Motion to Vacate or Reduce Bail Forfeitures* shall be assigned to a review officer who will consider the documentation and allegations set forth in the motion together with all applicable court data and will issue, without a hearing, an order on behalf of the court in compliance with Philadelphia Criminal Rule 510(D). The order issued by the review officer will become final unless within thirty (30) days of the date the order was issued or mailed the Petitioner files with the Clerk of Courts a request for a record hearing;

6) upon request by the Petitioner as provided above, a record hearing shall be held by a bail authority designated pursuant to Philadelphia Criminal Rule 510(D).

The hearing shall be held in accordance with Pa.R.Crim.P. No. 536 and Philadelphia Criminal Rule 510 and the designated bail authority may issue an order on behalf of the court denying the petition or directing that the bail forfeiture and judgment be vacated or reduced if justice does not require the full enforcement of the bail forfeiture and judgment. This order will become final unless within thirty (30) days of the date the order was issued or mailed, the Petitioner files with the Clerk of Courts a request for review by the President Judge or the President Judge's judicial designee;

7) Philadelphia Criminal Rule 510(C) is rescinded; and

8) all other terms of Philadelphia Criminal Rule 510, to the extent not amended by this Order, shall remain in full force and effect.

As required by Pa.R.Crim.P. No. 105(D), this Order has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the terms set forth in this order are not inconsistent with any general rule of the Supreme Court. This Order shall be

filed with the Prothonotary and the Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE PAMELA PRYOR DEMBE,  
*President Judge*

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
COURT OF COMMON PLEAS  
Trial Division – Criminal  
Motion to Vacate or Reduce Bail Judgment  
(Attach additional pages as may be necessary)**

*For Official Use Only - Bar Code*

<b>Motion Must Be Filed with the Clerk of Courts Room 310, Criminal Justice Center, 1301 Filbert Street Philadelphia, PA 19107</b>		CRIMINAL DOCKET NUMBER  ___-51-CR-_____-_____-_____-	
NAME OF PETITIONER (Person filing the Motion)		SID – if available	PID/PP # - if available
CRIMINAL CASE CAPTION			
PETITIONER'S CURRENT ADDRESS (To be entered by the Petitioner)			
<b>INFORMATION REGARDING FORFEITED BAIL</b>			
BAIL JUDGMENT NUMBER	DATE JUDGMENT ENTERED	JUDGMENT AMOUNT	TYPE OF BAIL
BENCH WARRANT HEARING DATES			
<b>BASIS FOR REQUESTING VACATION OR REDUCTION OF JUDGMENT</b>			
<b>MUST BE COMPLETED BY THE PETITIONER</b>			
<input type="checkbox"/> The Petitioner requests that the Judgment be vacated because the defendant was incarcerated at _____ on the date the Defendant failed to appear for a Court Hearing. <b>Petitioner must attach Prison records.</b>			
<input type="checkbox"/> The Petitioner requests that the Judgment be vacated because the defendant was hospitalized at _____ on the date defendant failed to appear for a Court Hearing. <b>Petitioner must attach Hospital records.</b>			
<input type="checkbox"/> The Petitioner requests a percentage reduction of the judgment, calculated pursuant to Philadelphia Criminal Rule 510(D)(3), considering the amount of time between the date the defendant failed to appear for a hearing and the date the defendant returned to court, as follows: 0 to 60 days: <b>90%</b> ; 61 to 90 days: <b>70%</b> ; 91 to 120 days: <b>50%</b> ; 121 to 180 days: <b>30%</b> ; and over 180 days: <b>0%</b> .			
<input type="checkbox"/> The Petitioner requests the Court to consider the following explanation to justify the defendant’s failure to appear, and to consider the mitigating factors noted below in deciding whether justice requires the full enforcement of the forfeiture order: <b>(Attach any documentation you wish the Court to consider and be as specific as possible)</b>			
<b>VERIFICATION</b>			
I, being duly sworn according to law, depose and say that I am the Petitioner/Surety in the within action and that the facts set forth in the foregoing <i>Motion to Vacate or Reduce Bail Judgment</i> are true and correct to the best of my knowledge, information and belief.			
I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.			
_____ Date 2/29/12	_____ Name of Petitioner	_____ Signature of Petitioner	

# Title 255—LOCAL COURT RULES

## UNION COUNTY

### Increase in Accelerated Rehabilitation Disposition Fees; No. CP-60-AD-2-2012

#### Order

*And Now*, this 13th day of January, 2012, the court hereby *Approves, Adopts and Promulgates* Union County Administrative Order CP-60-AD-2-2012, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

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

1. File seven (7) certified copies of this Order and Administrative Order CP-60-AD-2-2012 with the Administrative Office of Pennsylvania Courts.

2. Furnish two (2) certified copies of this Order and Administrative Order CP-60-AD-2-2012 and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3. File one (1) certified copy of this Order and Administrative Order CP-60-AD-2-2012 with the Criminal Rules Committee.

*By the Court*

MICHAEL H. SHOLLEY,  
*President Judge*

[Pa.B. Doc. No. 12-481. Filed for public inspection March 16, 2012, 9:00 a.m.]

## UNION COUNTY

### Increase in Accelerated Rehabilitation Disposition Fees; No. CP-60-AD-2-2012

#### Order

*And Now*, this 13th day of January, 2012, it is hereby *Ordered and Directed* that the Court of Common Pleas of Union County, Pennsylvania, adopts an increase in the Accelerated Rehabilitative Disposition (ARD) fee for program time from a year and over from \$500.00 to \$750.00 and adopts an increase in the Accelerated Rehabilitation Disposition fee for program time less than a year from \$250.00 to \$400.00. This fee is authorized by 75 Pa.C.S.A. § 3815(f)(1)(iii).

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

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

*By the Court*

MICHAEL H. SHOLLEY,  
*President Judge*

[Pa.B. Doc. No. 12-482. Filed for public inspection March 16, 2012, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE REAL ESTATE COMMISSION [ 49 PA. CODE CH. 35 ]

#### Corrective Amendment to 49 Pa. Code § 35.271(b)

The State Real Estate Commission has discovered a discrepancy between the agency text of 49 Pa. Code § 35.271 (relating to examination for broker's license), as deposited with the Legislative Reference Bureau, and the official text published at 35 Pa.B. 5119 (September 17, 2005) and as currently appearing in the *Pennsylvania Code*. The text of subsection (b)(2)(i)—(ix) was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The State Real Estate Commission has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 35.271(b). The corrective amendment to 49 Pa. Code § 35.271(b) is effective as of August 20, 2005, the effective date of adoption of the final-form rulemaking amending this section.

The correct version of 49 Pa. Code § 35.271 appears in Annex A.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### CHAPTER 35. STATE REAL ESTATE COMMISSION

#### Subchapter D. LICENSING EXAMINATIONS

#### § 35.271. Examination for broker's license.

(a) An individual who wants to take the broker's examination for a standard broker's license shall:

- (1) Be 21 years of age or older.
- (2) Be a high school graduate or have passed a high school general education equivalency examination.
- (3) Have worked at least 3 years as a licensed salesperson, with experience qualifications that the Commission considers adequate for practice as a broker, or possess at least 3 years of other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson.
- (4) Have acquired 16 credits, or 240 hours of instruction, in professional real estate education as determined by the Commission under subsection (b).
- (5) Submit a completed examination application to the Commission or its designee with:

(i) Official transcripts evidencing the acquisition of course credits.

(ii) A detailed resume of real estate activities performed by the candidate while working as a salesperson and a sworn statement from the candidate's employing broker confirming that these activities were performed if the candidate is a licensed salesperson.

(iii) A complete description of work experience and education that the candidate considers relevant to the requirements of paragraph (3) if the candidate is not a licensed salesperson.

(iv) A certification from the real estate licensing authority of the jurisdiction in which the candidate is licensed stating that the candidate had an active license for each year that credits are claimed if the candidate is applying brokerage experience to satisfy the professional education requirement.

(v) The fee for review of the candidate's qualifications to take the examination prescribed in § 35.203 (relating to fees) and the fees for administration of the examination.

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(4):

(1) A candidate who has obtained one of the following degrees will be deemed to have met the education requirement and will not be required to show completion of coursework in specific areas of study:

(i) A bachelor's degree with a major in real estate from an accredited college, university or institute of higher learning.

(ii) A bachelor's degree from an accredited college, university or institute of higher learning, having completed coursework equivalent to a major in real estate.

(iii) A juris doctor degree from an accredited law school.

(2) Two of the required 16 credits shall be in a Commission-developed or approved real estate office management course and 2 of the required 16 credits shall be in a Commission-developed or approved law course. At least 6 of the remaining 12 credits shall be in 3 or more of the Commission-developed courses listed in this paragraph. The remaining 6 credits shall be in real estate courses but not necessarily those listed in this paragraph. A candidate may not apply credits used to qualify for the salesperson's examination toward fulfillment of the broker education requirement.

- (i) Real Estate Law.
- (ii) Real Estate Finance.
- (iii) Real Estate Investment.
- (iv) Residential Property Management.
- (v) Nonresidential Property Management.
- (vi) Real Estate Sales.
- (vii) Residential Construction.
- (viii) Valuation of Residential Property.
- (ix) Valuation of Income-Producing Property.

(3) To be counted toward the education requirement, a real estate course shall have been offered by:

(i) An accredited college, university or institute of higher learning, whether in this Commonwealth or outside this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(iii) A real estate education provider outside this Commonwealth that has been approved by the real estate



licensing authority of the jurisdiction where the real estate education provider is located. The course transcript or certificate of completion shall state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

(iv) A real estate industry organization outside this Commonwealth, if the course is approved by the licensing jurisdiction of another state. The course transcript or certificate of completion shall state that the course is approved by the licensing jurisdiction which has approved it.

(4) A maximum of four credits will be allowed for each real estate course. A maximum of four credits will be allowed for each area of real estate study listed in paragraph (2).

(5) Courses shall have been completed within 10 years prior to the date of successful completion of the licensing examination.

(6) Two credits will be allowed for each year of active practice the candidate has had as a licensed broker in another state during the 10-year period immediately preceding the submission of the examination application.

(c) A reciprocal licensee who is converting that license to a standard broker's license is exempt from subsection (a) and is only required to pass the state portion of the examination.

[Pa.B. Doc. No. 12-483. Filed for public inspection March 16, 2012, 9:00 a.m.]

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# PROPOSED RULEMAKING

## MILK MARKETING BOARD

[ 7 PA. CODE CH. 143 ]

### Transactions between Dealers and Producers

The Milk Marketing Board (Board) proposes to amend Chapter 143 (relating to transactions between dealers and producers) to read as set forth in Annex A.

#### *Purpose of Proposed Rulemaking*

The purpose of the proposed rulemaking is to update several sections of the Board's regulations pertaining to payments to producers and testing of producers' milk for payment purposes to reflect changes in the way producers are paid for milk and in milk testing and electronic communication technology that have occurred since these regulations were last amended.

#### *Summary of Proposed Amendments*

The heading of § 143.11 (relating to determination of payment to producers by dealers having more than one plant) is proposed to be amended by adding "by dealers" to correct an apparent misprint in the existing regulation, which clearly deals with handlers, not producers, that receive milk at multiple plants or receiving stations. Proposed amendments to subsection (a) add "milk component" and "components" in addition to butterfat as the basis for payment to producers because producers whose milk is marketed under a Federal milk marketing order are now paid on the basis of multiple components rather than on butterfat alone. Proposed amendments to subsection (b) add a sentence to ensure that dealers who have been authorized to base payments upon aggregate utilization of all plants cannot switch back and forth between aggregate utilization and individual plant utilization without authorization from the Board.

Proposed amendments to § 143.12(a) (relating to terms of payment) add two paragraphs in recognition of the fact that Federal milk marketing order regulations will control the terms and timing of payment to producers receiving payment under Federal milk marketing orders.

Proposed amendments to § 143.13(a) (relating to manner of payment) allow payment by wire transfer or other methods, because requiring payment by check or cash only is outdated and costly. Most dealers are already direct depositing producers' checks. This proposed amendment is being made to bring the regulation in line with current industry practices.

Proposed amendments to § 143.14 (relating to monthly statement to producers) allow 1 additional day for dealers to furnish producers with monthly statements and allow producers to receive statements electronically if they have an agreement to do so filed with the purchasing dealer. It also requires inclusion of the producer number (paragraph (4)), combines current paragraphs (5)—(7) into proposed paragraph (5) to eliminate redundancy and replaces "butterfat" with "components." The remaining paragraphs have been renumbered. The proposed amendments delete the requirement of the 3.5% butterfat pay rate (proposed paragraphs (7) and (8)) since that is no longer used for producer payment and additionally require the inclusion of a listing of pounds of milk subject to State-mandated premiums (proposed paragraph (12)) and daily pick-up amounts (proposed paragraph (17)) on the monthly statement.

Proposed amendments to § 143.21 (relating to testing; notification of producer) replace "butterfat" with "components," allow notification of test results to be made available to producers through electronic or other means rather than solely by writing delivered to producers and delete the requirement that composite samples be held for 10 days since this is no longer necessary or practical.

Proposed amendments to § 143.22 (relating to acceptable test methods) replace "butterfat" with "components" and delete reference to specific testing methods, consistent with recent amendments to Chapter 144 (relating to electronic methods for testing milk for fat content), and instead refer to that chapter for approved testing methods.

Proposed amendments to § 143.23 (relating to quantity of sample) replace "aseptic" with "sanitary" because truly aseptic conditions cannot be attained in farm bulk tanks where samples are taken.

Proposed amendments to § 143.24 (relating to agitation before sampling) require a longer agitation period if specified by a bulk tank manufacturer for complete agitation.

Proposed amendments to § 143.25 (relating to calibration chart) limit this section to farm bulk milk tanks since this section is not applicable to weighing and sampling of direct load milk under § 143.29 (relating to weighing and sampling of direct load milk). The proposed amendment also allows calibration charts for cooperative members to be maintained by the cooperative rather than a milk dealer.

Proposed amendments to §§ 143.26 and 143.27 (relating to temperature of samples; and transportation of samples) delete the term "refrigeration" and instead specify the temperature range at which samples must be held and transported. The proposed amendments express this range in degrees Centigrade rather than Fahrenheit because laboratories testing milk samples have migrated to the Centigrade scale. Section 143.27(b) has been reworded to remove superfluous language and to allow a dealer to maintain samples at a designated location other than the dealer's plant.

Proposed amendments to § 143.28 (relating to off-premises testing) delete the requirement that composite samples tested off-premises be held for 10 days since this is no longer necessary or practical.

#### *Statutory Authority*

Section 307 of the Milk Marketing Law (law) (31 P. S. § 700j-307) provides the Board with the authority to adopt and enforce regulations necessary or appropriate to carry out the law.

#### *Public Hearing*

On October 12, 2006, the Board, after due notice, conducted a public hearing to receive comments on a first draft of this proposed rulemaking. Among the attendees were representatives of the United States Department of Agriculture Milk Marketing Order No. 33, QC Laboratories, Dairylea Cooperative Inc./Dairy Marketing Services LLC, the Independent Regulatory Review Commission (IRRC) and Board staff. As a result of the discussion and comments at that public hearing, the draft proposed rulemaking was revised and a final draft was circulated among interested parties to receive further comment.

*Fiscal Impact*

The proposed rulemaking will not have a negative fiscal impact on the regulated entities or on the Commonwealth or its political subdivisions. The proposed rulemaking may have a positive fiscal impact on the regulated entities by allowing notice of test results, monthly statements and producer payment to be done electronically rather than on paper delivered by mail.

*Paperwork Requirements*

The proposed rulemaking will not require additional paperwork by the regulated entities or by the Commonwealth or its political subdivisions. The proposed rulemaking may ease the paperwork requirements for regulated entities by allowing notice of test results, monthly statements and producer payment to be done electronically rather than on paper delivered by mail.

*Effective Date/Sunset Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. There is not a sunset date.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 6, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed rulemaking to Chief Counsel, Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110 within 30 days following publication in the *Pennsylvania Bulletin*.

LUKE BRUBAKER,  
*Chairperson*

**Fiscal Note:** 47-16. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART VI. MILK MARKETING BOARD**

**CHAPTER 143. TRANSACTIONS BETWEEN DEALERS AND PRODUCERS**

**PAYMENT**

§ 143.11. Determination of payment to producers by dealers having more than one plant.

(a) Dealers shall pay their producers on a weight and butterfat or milk component basis as determined by the components in the milk or the utilization of the milk, or both, received at each plant or receiving station.

(b) Upon written authorization from the Board, a dealer may base payments to producers upon the aggregate utilization of the milk received at several plants or receiving stations.

**A dealer electing to base payments upon the aggregate utilization shall receive authorization from the Board before returning to an individual plant or receiving station utilization unless the Board revokes authorization on the Board's motion.**

**§ 143.12. Terms of payment.**

(a) Producers shall be paid not later than the 26th day of each month and the 17th day of the following month, as follows:

\* \* \* \* \*

**(3) If payment for milk is made under a Federal milk marketing order, payment to producers, cooperatives and producer settlement funds shall be made under the Federal milk marketing order.**

**(4) If a date required for payment falls on a Saturday, Sunday or State or National Holiday, the payment is due on the next day that the office of the Board is open for public business.**

\* \* \* \* \*

**§ 143.13. Manner of payment.**

(a) Dealers shall pay producers either by check [ or by ], cash, wire transfer, money order or any other Board-approved payment device. Dealers electing to pay producers by cash shall, in all cases, obtain a dated, signed receipt from each producer. Receipts shall be made a part of the permanent records of the dealer.

\* \* \* \* \*

**§ 143.14. Monthly statement to producers.**

Dealers purchasing milk or cream from producers shall furnish producers with statements containing each of the following items[ , ] by not later than the [ 17th ] 18th day of each month[ : ]. **Producers receiving their statements through electronic media shall have an agreement to do so on file with the purchasing dealer.**

\* \* \* \* \*

(4) The name and producer number of the producer for whom statement is intended.

(5) [ The butterfat test for the first half of the month, or the average of fresh samples, with a minimum of two taken, evenly spaced, the first half of the month.

(6) The butterfat test for the last half of the month, or the average of fresh samples, with a minimum of two taken, evenly spaced, in the last half of the month.

(7) The average butterfat test for the month. ] A report of the results of the component tests required under § 143.21 (relating to testing; notification of producer).

[ (8) ] (6) The percentage of milk utilized in each classification for milk purchased in this Commonwealth not regulated under a Federal milk marketing order.

[ (9) ] (7) The rate paid per hundredweight [ for 3.5% milk ] for each classification as established by applicable Official General Order, which may be obtained from the Milk Marketing Board, 2301 N. Cameron Street, Harrisburg, Pennsylvania [ 17120 ] 17110.

[ (10) Three and one-half percent blend rate per hundredweight and butterfat differential per 0.1%. ]

(8) **Applicable components, component rates and total component pounds and values for milk purchased under a Federal milk marketing order.**

[ (11) ] (9) The blend rate paid at the producer's average test.

[ (12) ] (10) The total pounds of milk purchased from producer.

[ (13) ] (11) The gross amount paid for milk.

[ (14) Additional ] (12) **The pounds of milk subject to State-mandated premiums and additional amounts paid as premiums, bonuses or similar payments.**

[ (15) ] (13) The gross amount due after addition of premiums, bonuses or similar payment.

[ (16) ] (14) Itemization of advance payments and authorized deductions.

[ (17) ] (15) The total deductions.

[ (18) ] (16) The net amount due and paid.

(17) **A listing of the amount of milk picked up each day.**

### TESTING

#### § 143.21. Testing; notification of producer.

(a) A milk dealer buying or receiving milk from a producer on the basis of, or with reference to, the amount or percentage of [ **butterfat** ] **components** contained in [ **such** ] **the** milk shall, within [ **five** ] **5** days after the end of each sampling period, test composite samples and within [ **two** ] **2** days thereafter notify the producer of the result of [ **such** ] **the** test, stating the period of time during which samples were taken.

(b) Notice to the producer shall be in writing delivered to the producer **or made available to the producer electronically through Internet access, e-mail, automated telephone dial-in or any other method approved by the Board.**

(c) For the purposes of implementing the [ **Milk Marketing Law** ] **act** regarding "Composite Samples," it may be interpreted that "Fresh Samples" may be used for the determination of [ **butterfat** ] **component** content for payment to producers, providing that not less than two random representative fresh milk samples, evenly spaced, shall be taken and tested in each [ **one-half** ] **1/2** month period, or a total of not less than four random representative fresh milk samples, and not less than four butterfat tests in each calendar month. [ **Producers shall be notified of the results of such tests, stating the sampling period, within two days after the end of each period.**

(d) **After composite samples have been tested, their residues shall be held intact under refrigeration at a temperature of between 32°F and 40°F for a period of not less than 10 days. ]**

#### § 143.22. Acceptable test methods.

For the purposes of implementing the act regarding tests as to the amount [ **of** ] **or** percentage of [ **butterfat** ] **components** contained in milk or cream, the term [ **"Babcock Test"** ] **"test"** as used in the act shall include all [ **butterfat-testing methods, including the Gerber Method, Automated Light Scattering Method, and Infra-Red Method, having prior approval of the Board** ] **component-testing methods referenced in Chapter 144 (relating to electronic methods for testing milk for fat content)** and performed in accordance with the standards established by the Association of Official Agricultural Chemists in that organization's current edition of Official Methods of Analysis[ **, which may be obtained from the Milk Marketing Board, 2301 N. Cameron Street, Harrisburg, Pennsylvania 17120** ].

#### § 143.23. Quantity of sample.

(a) At least a 35 milliliter sample shall be taken under [ **aseptic** ] **sanitary** conditions from each lot of milk for use by the plant or laboratory in all quality and composition determinations.

\* \* \* \* \*

#### § 143.24. Agitation before sampling.

Before any sample is taken from a farm bulk milk tank for testing purposes, the milk shall be agitated for a minimum of 5 minutes, unless a longer period of time is specified by the buyer of the milk or his agent **or the manufacturer of the bulk tank.**

#### § 143.25. Calibration chart.

(a) A calibration chart **for a farm bulk milk tank** shall be posted in the milk house of the producer, and an exact reproduction of the chart shall be maintained as part of the records of the dealer **or the cooperative for their producer members.**

\* \* \* \* \*

#### § 143.26. [ **Refrigeration** ] **Temperature** of samples.

Composite and fresh samples shall be maintained [ **under refrigeration** ] at a temperature of between [ **32°F** ] **0.0°C** and [ **40°F** ] **4.4°C**. When daily additions to composites are made, composite samples shall not be unrefrigerated for more than 30 minutes.

#### § 143.27. Transportation of samples.

(a) Milk samples may be transported in bulk tank trucks provided the facilities for transporting the samples [ **are refrigerated and** ] maintain a temperature of between [ **32°F** ] **0.0°C** and [ **40°F** ] **4.4°C** at all times when samples are contained therein.

(b) The daily fresh samples shall[ **, upon return of the tank truck from the producer's farm to the dealer's plants,** ] be transferred to the composite sample bottle or maintained at the dealer's plant [ **under refrigeration** ] **or designated sample storage location** at a temperature between [ **32°F** ] **0.0°C** and [ **40°F** ] **4.4°C** for testing if fresh sampling method for payment is used.

**§ 143.28. Off-premises testing.**

Composite and fresh samples may be tested off the premises of the milk dealer by a recognized laboratory if the **[ following conditions are complied with: ]** samples are transported at a temperature of between 0.0°C and 4.4°C.

**[ (1) Samples shall be transported under refrigeration at a temperature of between 32°F and 40°F.**

**(2) After testing, the residues of the composite samples shall be kept under refrigeration at a temperature of between 32°F and 40°F for a period of not less than ten days. ]**

[Pa.B. Doc. No. 12-484. Filed for public inspection March 16, 2012, 9:00 a.m.]

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# 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 February 28, 2012.

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

#### Voluntary Dissolutions

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
2-27-2012	Great Bear Bank Allentown Lehigh County  Articles of Dissolution filed with the Department of State. Corporate existence terminated.	Effective

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-27-2012	The Bryn Mawr Trust Corporation Bryn Mawr Montgomery County  Application for approval to acquire 100% of Davidson Trust Company, Devon.	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-27-2012	The Bryn Mawr Trust Company Bryn Mawr Montgomery County  Application for approval to merge Davidson Trust Company, Devon, with and into The Bryn Mawr Trust Company, Montgomery County.	Filed

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-24-2012	F&M Trust Co. of Chambersburg Chambersburg Franklin County	6375 Carlisle Pike Mechanicsburg Cumberland County	Filed
*Above Branch is being amended from previous submission in the Summary of Activities for week ending 1-24-2012, to reflect a change in the address from 6391 Carlisle Pike to 6375 Carlisle Pike.			
2-27-2012	CNB Bank Clearfield Clearfield County	16039 Conneaut Lake Road Meadville Crawford County	Filed
2-28-2012	Penn Liberty Bank Wayne Chester County	15 Freedom Boulevard West Brandywine Chester 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. 12-485. Filed for public inspection March 16, 2012, 9:00 a.m.]

**Actions on Applications**

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 6, 2012.

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

**BANKING INSTITUTIONS****Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-1-2012	Beneficial Mutual Bancorp, Inc. Philadelphia Philadelphia County	Approved
	Application for approval to acquire 100% of SE Financial Corp., Philadelphia, and thereby indirectly acquire 100% of St. Edmond's Federal Savings Bank, Philadelphia.	

**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-1-2012	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Approved
	Application for approval to merge St. Edmond's Federal Savings Bank, Philadelphia, with and into Beneficial Mutual Savings Bank, Philadelphia.	

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-5-2012	Somerset Trust Company Somerset Somerset County	4634 National Pike Markleysburg Fayette County	Filed
3-6-2012	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	3474 William Penn Highway Pittsburgh Allegheny County	Approved
3-6-2012	Peoples State Bank of Wyalusing Wyalusing Bradford County	802 Hunter Highway Tunkhannock Wyoming County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-24-2012	Northwest Savings Bank Warren Warren County	To: 2200 South Atherton Drive State College Centre County	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
		<i>From:</i> 611 University Drive State College Centre County	

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-1-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 4101 Carlisle Pike Camp Hill Cumberland County	Approved
		<i>From:</i> 3301 Trindle Road Camp Hill Cumberland County	

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-1-2012	Citizens Bank of PA Philadelphia Philadelphia	255 Cumberland Parkway Mechanicsburg Cumberland County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-6-2012	Miners Bank Minersville Schuylkill County	Approved and Effective
	Amendment to Article III of the institution's Articles of Incorporation is restated in its entirety to eliminate Trust Powers.	

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-29-2012	Freedom Credit Union Warminster Bucks County	Filed
	Application for approval to merge McKinley Memorial Federal Credit Union, Willow Grove, with and into Freedom Credit Union, Warminster.	

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. 12-486. Filed for public inspection March 16, 2012, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2012**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of April, 2012, is 4 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.36 to which was added 2.50 percentage points for a total of 4.86 that by law is rounded off to the nearest quarter at 4 3/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-487. Filed for public inspection March 16, 2012, 9:00 a.m.]



# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 28, 2012, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-488. Filed for public inspection March 16, 2012, 9:00 a.m.]

## Governor's Advisory Council for Hunting, Fishing and Conservation Meeting

The Governor's Advisory Council for Hunting, Fishing and Conservation will hold a meeting on Monday, March 26, 2012, at 9 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Justin N. Leventry at (717) 992-9084.

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

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-489. Filed for public inspection March 16, 2012, 9:00 a.m.]

## Retention of Two Surveying Firms; Project Reference No. FDC-500-300

The Department of Conservation and Natural Resources (Department) will retain two surveying firms for Open-End Contracts for various surveying and engineering related services on various civil, environmental, land and property projects located on State park and State forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infra-

structure and facilities. One contract will be primarily for various projects at facilities located in the western portion of this Commonwealth and one contract will be primarily for projects at facilities located in the eastern half of this Commonwealth.

Typical work may consist of topographic surveys for the design of bridges, roads, dams, various buildings and sanitary systems; or boundary/property surveys. The latter could include all necessary subdivision requirements. The typical work product will be submitted in both electronic and hard copy versions. The electronic version shall be compatible for use with the Department's AutoCAD Civil 3D 2011 and future versions and conform to the program area's CAD standards.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of surveying. If an individual, firm or corporation not authorized to engage in the practice of surveying desires to submit a letter of interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of surveying.

The surveying and/or engineering firms shall have the capability of providing survey crews of either two or three persons when requested by the Department. Survey crews shall report to project sites within 7 days of notification by the Department. Firms will be responsible for providing their own survey instruments, such as transits, levels, electronic distance measuring devices and necessary support equipment. Also, materials such as stakes, markers, field books, and the like, shall be furnished by the selected firms.

The number of Open-End Contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

### Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals

(Note: If the contract involves the use of Federal highway, transit or aviation funds originating from the Federal Highway Administration, the Federal Transit Administration, the Federal Aviation Administration or the National Highway Transportation Safety Administration, then the requirements of the Federal Disadvantaged Business Enterprise Program set forth in Title 49 Code of Federal Regulations Part 26 must be adhered to in lieu of the standard requirements of this Section. Otherwise, use the text provided in this Section in its entirety.)

### I. General Information (must be inserted in Part I of every RFP)

#### *Disadvantaged Business Information*

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ventures, and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

A. Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO)-certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses; and

B. United States Small Business Administration certified 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States which are independently owned, are not dominant in their field of operation, employ no more than 100 full-time or full-time equivalent employees, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. For a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to Department of General Services, Bureau of Minority and Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, [gs-bmwbo@pa.gov](mailto:gs-bmwbo@pa.gov), [www.dgs.state.pa.us/bcabd](http://www.dgs.state.pa.us/bcabd).

A database of BMWBO-certified minority- and women-owned businesses can be accessed at [www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx](http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx). The Federal vendor database can be accessed at [www.ccr.gov](http://www.ccr.gov) by clicking on Dynamic Small Business Search (certified companies are so indicated).

#### *Information Concerning Small Businesses in Enterprise Zones*

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas this Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures, and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 full-time or full-time equivalent persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor Keystone Building, 400

North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, [akartorie@pa.gov](mailto:akartorie@pa.gov), [www.newpa.com/programDetail.aspx?id=76](http://www.newpa.com/programDetail.aspx?id=76).

## **II. Disadvantaged Businesses Submittal (must be inserted in Part II of every RFP)**

### *A. Disadvantaged Business Information*

1. To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, as indicated below:

a) A Small Disadvantaged Business certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

b) Businesses certified by the U.S. Small Business Administration pursuant to Section 8(a) of the *Small Business Act* (15 U.S.C. § 636(a)) as an 8(a) small disadvantaged business must submit proof of United States Small Business Administration certification. The owners of such businesses must also submit proof of United States citizenship.

c) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or United States Small Business Administration certification as an 8(a), must attest to the fact that the business has no more than 100 full-time or full-time equivalent.

d) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or United States Small Business Administration certification as an 8(a), must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

2. All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender. The submitted evidence of prejudice or bias must:

a) Be rooted in treatment which the business person has experienced in American society, not in other countries.

b) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

c) Indicate that the business person's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

3. In addition to the previously listed verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

a) Those Small Disadvantaged Businesses submitting a proposal as the Offeror, must include a numerical percentage which represents the total percentage of the work

(as a percentage of the total cost in the Cost Submittal) to be performed by the Offeror and not by subcontractors and suppliers.

b) Those Small Disadvantaged Businesses submitting a proposal as a part of a joint venture partnership, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Small Disadvantaged Business joint venture partner and not by subcontractors and suppliers or by joint venture partners who are not Small Disadvantaged Businesses. Offeror must also provide:

1) The amount of capital, if any, each Small Disadvantaged Business joint venture partner will be expected to provide.

2) A copy of the joint venture agreement signed by all parties.

3) The business name, address, name and telephone number of the primary contact person for the Small Disadvantaged Business joint venture partner.

c) All Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to Small Disadvantaged Businesses as subcontractors. To support its total percentage Disadvantaged Business (DB) subcontractor commitment, Offeror must also include:

1) The dollar amount of each subcontract commitment to a Small Disadvantaged Business;

2) The name of each Small Disadvantaged Business. The Offeror will not receive credit for stating that after the contract is awarded it will find a Small Disadvantaged Business.

3) The services or supplies each Small Disadvantaged Business will provide, including the timeframe for providing the services or supplies.

4) The location where each Small Disadvantaged Business will perform services.

5) The timeframe for each Small Disadvantaged Business to provide or deliver the goods or services.

6) A signed subcontract or letter of intent for each Small Disadvantaged Business. The subcontract or letter of intent must identify the specific work, goods or services the Small Disadvantaged Business will perform and how the work, goods or services relates to the project.

7) The name, address and telephone number of the primary contact person for each Small Disadvantaged Business.

d) The total percentages and each subcontractor commitment will become contractual obligations once the contract is fully executed.

e) The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business information.

4. The Offeror is required to submit two copies of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

5. A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

6. An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is

not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

#### B. *Enterprise Zone Small Business Participation*

1. To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

a) Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

b) Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

c) Proof of United States citizenship of the owners of the business.

d) Certification that the business employs no more than 100 full-time or full-time equivalent employees.

e) Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

f) Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

2. In addition to the previously listed verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

a) The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.

b) The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

c) The specific work, goods or services each Enterprise Zone Small Business will perform or provide.

d) The total cost amount submitted in the Offeror's cost proposal and the estimated dollar value of the contract to each Enterprise Zone Small Business.

e) Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.

f) The location where each Enterprise Zone Small Business will perform these services.

g) The timeframe for each Enterprise Zone Small Business to provide or deliver the goods or services.

h) The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.

i) The form and amount of compensation each Enterprise Zone Small Business will receive.

j) For a joint venture agreement, a copy of the agreement, signed by all parties.

k) For a subcontract, a signed subcontract or letter of intent.

3. The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

- a) The amount of the selected Offeror's Enterprise Zone Small Business commitment;
- b) The name of each Enterprise Zone Small Business; and
- c) The services each Enterprise Zone Small Business will provide, including the timeframe for performing the services.

### III. Criteria for Selection (must be inserted in Part III of every RFP)

#### *Disadvantaged Business Participation*

BMWBO has established the weight for the Disadvantaged Business Participation criterion for this RFP as 20% of the total points. Evaluation will be based upon the following in order of priority:

- Priority Rank 1      Proposals submitted by Small Disadvantaged Businesses.
- Priority Rank 2      Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.
- Priority Rank 3      Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.
- Priority Rank 4      Proposals submitted by Socially Disadvantaged Businesses.

Each DB Participation Submittal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the above-listed priority ranking. To the extent that there are multiple DB Participation submittals that offer subcontracting commitments to Small Disadvantaged Businesses, the proposal offering the highest total percentage commitment shall receive the highest score in the Priority Rank 3 category and the other proposal(s) in that category shall be scored in proportion to the highest total percentage commitment offered.

To qualify as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

#### *Enterprise Zone Small Business Participation*

In accordance with the priority ranks listed as follows, bonus points in addition to the total points for this RFP, will be given for the Enterprise Zone Small Business Participation criterion. The maximum bonus points for this criterion is 3% of the total points for this RFP. The following options will be considered as part of the final criteria for selection:

- Priority Rank 1      Proposals submitted by an Enterprise Zone Small Business will receive the highest score.
- Priority Rank 2      Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.
- Priority Rank 3      Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.
- Priority Rank 4      Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

### IV. Work Statement (must be inserted in Part IV of every RFP)

#### *Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation*

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business

participants involved in joint ventures. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

*Note:* Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an offeror to receive credit for disadvantaged businesses utilization.

Revised 8/30/2011

#### *General Requirements and Information*

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact John P. Timbrell, P. L.S. at (717) 772-8393 for general information concerning the survey work.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at <http://www.dgs.state.pa.us>, then from the Menu on left margin choose Construction and Public Works, then Project Administration, then Professional Selections, then Forms.

Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by addressing a request to [nspade@pa.gov](mailto:nspade@pa.gov). Additional information pertinent to the firm's qualifications to do the work of this contract may be included. Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. The Department shall

reimburse miscellaneous expenses such as copies, prints, sepias, potage and film at cost upon approval.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. Miscellaneous expenses such as copies, prints, sepias, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the above criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on April 18, 2012. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to two of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice and/or readvertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-490. Filed for public inspection March 16, 2012, 9:00 a.m.]

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **Applications, Actions and Special Notices**

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#### **APPLICATIONS**

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

## I. NPDES Renewal Applications

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

<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>
PA0061506 (Sewage)	Preston Country Market 530 Shehawken Road (S.R. 0370) Preston Park, PA 18455	Wayne County Preston Township	Unnamed Tributary to Shehawken Creek (01A)	Y
PA0062791 (IW)	Just Born Inc. 1300 Stefko Boulevard Bethlehem, PA 18017	Northampton County Bethlehem City	Unnamed Tributary to Lehigh River (2-C)	Y
PA0063517 (Sewage)	Bonham Nursing Center 477 Bonnieville Rd Stillwater, PA 17878	Luzerne County Huntington Township	Pine Creek (5-C)	Y
PA0060496 (Sewage)	Little Washington WW Co. Mast Hope Development WWTP Masthope Plank Rd, Lackawaxen PA 18435	Pike County Lackawaxen Township	Masthope 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>
PA0248070 (IW)	Mifflintown Municipal Authority 259 Water Company Road PO Box 36 Mifflintown, PA 17059	Juniata County Milford Township	Dry Swale to Juniata River / 12-A	Y
PA0083399 (Sew)	MHC Gettysburg Farm LP 2 North Riverside Plaza, Suite 800 Chicago, IL 60606-2682	York County Dover Township	Conewago Creek / 7-F	Y
PA0247855 (Sew)	Belfast Township Supervisor 121 Homestead Ln Needmore, PA 17238	Fulton County	Tonoloway Creek / 13-B	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>
PA0209392 (Sewage)	Mann Creek STP Mann Creek Heights Road Mansfield, PA 16933	Tioga County Richmond Township	Unnamed Tributary of Tioga River (4-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0032603	Devites MHP 2546 Ben Franklin Highway Edinburg, PA 16116	Lawrence County Mahoning Township	Unnamed Tributary to the Shenango River (20-A)	Y
PA00222160	Hemlock MHP Hemlock Road Grove City, PA 16127	Mercer County Wolf Creek Township	Unnamed Tributary to the East Branch Wolf Creek (20-C)	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*

**PA0056570**, Storm Water, SIC Code 2491, **Coastal Treated Products Co.**, PO Box 829, Weldon, NC 27890. Facility Name: Coastal Lumber Oxford Facility. This existing facility is located in East Nottingham Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Little Elk Creek is located in State Water Plan watershed 7-K and is classified for High Quality Waters—Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed monitoring requirements for Outfalls 001 and 002 are as follows:

<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
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

**PA0056472**, Storm Water, SIC Code 2011, **Devault Packing Company, Inc. d/b/a Devault Foods**, PO Box 587, 1 Devault Lane, Devault, PA 19432. Facility Name: Devault Foods. This existing facility is located in Charlestown Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Valley Creek (Pa. Code 00991), is located in State Water Plan watershed 3-F and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The nearest downstream public water supply intake is located on the Schuylkill River. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, 002 and 003 are based on a stormwater discharge.

<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
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Remedial Measures
- Change of Ownership
- TMDL/WLA Analysis
- Stormwater Requirements
- Laboratory Certification

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

The EPA Waiver is in effect.

**PA0051454**, SIC Code 6514, **John Alfonse**, 809 Collegeville Road, Mont Clare, PA 19453. Facility Name: Alfonse Property. This existing facility is located in East Norriton Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated effluent from a small flow treatment facility serving the Alfonse property, located at 1055 W. Germantown Pike.

The receiving stream(s), Unnamed Tributary of Stony Creek, is located in State Water Plan watershed 3-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00146 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Instant. Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	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	Report	XXX	Report
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0

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

- Abandon STP when public sewers available
- Remedial measures if public nuisance
- No stormwater to sewers



- Necessary property rights
- Dry stream discharge
- Change of ownership
- Chlorine minimization
- Proper sludge disposal
- Twice per month sampling
- Fecal coliform reporting
- Instantaneous maximum limits
- Laboratory certification

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

The EPA Waiver is in effect.

**PA0057479**, IW, SIC Code 3731, **Rhoads Industries, Inc.**, 1117 Admiral Peary Way, Philadelphia, PA 19112. Facility Name: Philadelphia Navy Yard—Dry Dock 2. This existing facility is located in City of Philadelphia, **Philadelphia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of wastewater from Philadelphia Navy Yard—Dry Dock 2.

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

The proposed effluent limits for Outfall 010 are based on a design flow of 0.050 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	6.5	XXX	XXX	8.5
Total Suspended Solids	XXX	XXX	XXX	100	200	250
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

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

- Public Nuisance
- Modification BAT/BCT
- Change of Ownership
- TMDL/WLA
- Permit Modification based DRBC Assessment
- PCBs Requirements
- No discharge
- Laboratory Certification
- No Chemical Addition

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

The EPA Waiver is in effect.

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

**PA0023558**, Sewage, SIC Code 4952, **Ashland Borough**, 401 S. 18th Street, Ashland, PA 17921. Facility Name: Ashland Borough WWTP. This existing facility is located in Ashland Borough, **Schuylkill 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, Mahanoy Creek, is located in State Water Plan watershed 6-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	271	434	XXX	25	40	50
Total Suspended Solids	325	488	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 011 (stormwater from industrial activities) are based on a design flow of N/A MGD. The permittee has the option to perform an annual inspection in lieu of annual monitoring for Outfall 011.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Daily Maximum</i>	<i>Average Weekly</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl—N	XXX	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen					
(Interim)	Report	Report			
(Final)	Report	23744			
Net Total Phosphorus					
(Interim)	Report	Report			
(Final)	Report	3166			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

- Chesapeake Bay Nutrient Requirements
- Combined Sewer Overflows
- Stormwater Outfall
- Whole Effluent Toxicity Testing (WETT)

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

The EPA Waiver is not in effect.

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

**PA0088684**, SIC Code 7033, **Pleasant Hills Campground LLC**, P O Box 86, Hesston, PA 16647-0086. Facility Name: Pleasant Hills Campground. This existing facility is located in Penn Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary to Raystown Branch Juniata River, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	Report

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

The EPA Waiver is in effect.

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

**PA0002674—Amendment No. 1**, Industrial Waste, SIC Code 2911, **American Refinery Group, Inc.**, 77 North Kendall Avenue, Bradford, PA 16701-1726. Facility Name: American Refinery Group Bradford. This existing facility is located in Bradford City and Foster Township, **McKean County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste and stormwater from oil refining operations. This is a major discharge

The receiving stream(s), Tunungwant Creek and Foster Brook, is located in State Water Plan watershed 16-C and is classified for Cold Water Fishes and 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 002 are based on a design flow of 0.72 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
BOD <sub>5</sub>	189	355	XXX	Report	Report	286
Chemical Oxygen Demand	947	1,832	XXX	Report	Report	1,435
Total Suspended Solids	160	249	XXX	Report	Report	243
Oil and Grease	57	111	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	20	44	XXX	Geo Mean Report	Report	30
Total Arsenic	Report	Report	XXX	Report	Report	XXX
Total Sulfide	1.07	2.36	XXX	Report	Report	1.6
Hexavalent Chromium	0.16	0.36	XXX	Report	Report	0.24
Total Chromium	1.9	5.4	XXX	Report	Report	2.9
Total Phenolics	0.31	0.63	XXX	0.19	0.38	0.48

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0648 MGD.

<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>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	30	60	75
Oil and Grease	Report	XXX	XXX	15	XXX	30
Total Arsenic	Report	XXX	XXX	Report	XXX	Report
Dissolved Iron	Report	Report	XXX	4.5	7.0	7.0
Total Iron	Report	Report	XXX	3.5	7	8.8
Total Manganese	Report	XXX	XXX	Report	XXX	Report
Benzene	Report	Report	XXX	0.16	0.32	0.4
Benzo(a)Anthracene	Report	Report	XXX	0.00093	0.0018	0.0023
Benzo(a)Pyrene	Report	Report	XXX	0.00093	0.0018	0.0023
Benzo(k)Fluoranthene	Report	Report	XXX	0.00093	0.0018	0.0023
Total BTEX	Report	Report	XXX	1.0	2.0	2.5
Dibenzo(a,h)Anthracene	Report	Report	XXX	0.00093	0.0018	0.0023
Naphthalene	Report	Report	XXX	0.35	0.7	0.87
Phenanthrene	Report	Report	XXX	0.02	0.04	0.05
Total Organic Carbon	XXX	Report	XXX	110	XXX	138
				Daily Max		

The proposed effluent limits for Outfall 005 are based on a design flow of 0.000000 MGD.

<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>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 007 are based on a design flow of 0.000000 MGD.

<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>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 008 are based on a design flow of 0.000000 MGD.

<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>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 009 are based on a design flow of 0.000000 MGD.

<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>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 010 are based on a design flow of 0.000000 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>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 012 are based on a design flow of 0.000000 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>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

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

- Stormwater Treatment Waiver and Sampling Required.
- Stormwater Allowance Factors
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls
- Requirement to Use eDMR System
- Effluent limits for Discharges of Hydrostatic Testing Water
- Additional Recovery Well Sampling Requirement
- Sampling Waiver at Outfall 004

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

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 3512402** Sewerage, **Elmhurst Township Sewer Authority**, 112 Municipal Lane, Elmhurst, PA 18416

This proposed facility is located in Elmhurst Township, **Lackawanna County**, PA.

Description of Proposed Action/Activity: This project involves replacing the comminutor at the existing treatment plant with a new spiral screening unit.

**WQM Permit No. 4012402** Sewerage, **Sanitary Sewer Authority of the Borough of Shickshinny**, PO Box 62, Shickshinny, PA 18655

This proposed facility is located in Conyngham Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project involves upgrading the sewage treatment plant by converting the existing contact stabilization units into two sequencing batch reactors, a decant equalization flow tank and an aerobic sludge digester. The upgrade also includes installation of chemical feed equipment for phosphorus removal and modifications to the chlorine disinfection system.

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

**WQM Permit No. 3412201**, CAFO, **Reinford-Frymoyer Farm, LLC**, 5272 Cedar Springs Road, Mifflintown, PA 17059.

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

Description of Proposed Action/Activity: Seeking permit approval for construction / operation of a manure digester and related tankage, solids separator and HDPE-lined manure storage.

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

**WQM Permit No. 6312402**, Sewerage, **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317

This proposed facility is located in North Strabane Township, **Washington County**

Description of Proposed Action/Activity: Permit application for the construction and operation of sewer extension.

**WQM Permit No. 1112402**, Sewerage, **Johnstown Redevelopment Authority**, 4th Floor Public Safety Building, 401 Washington Street, Johnstown, PA 15901-2874

This proposed facility is located in the City of Johnstown, **Cambria County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 5610402-A1**, Sewerage, **Somerset Township Municipal Authority**, PO Box 247, Somerset, PA 15501

This existing facility is located in Somerset Township, **Somerset County**

Description of Proposed Action/Activity: Permit amendment application.

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

**WQM Permit No. 2489202**, Industrial Waste Amendment, **Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846

This existing facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: Application for the modification of existing leachate treatment system.

**WQM Permit No. 2512401**, Sewage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506

This existing facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: Application for the upgrade of existing sewer system which will ultimately convey flow to the Erie City STP.

#### **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 0907019	Pennsylvania Turnpike Commission 700 South Eisenhower Blvd Middletown, PA 17057-5529	Bucks	Bensalem, Bristol and Middletown Townships	Unnamed Tributaries Neshaminy Creek, Mill Creek and Delaware River (WWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512002	BCM International, Inc. Streamside Camp and Conference Center 303 Possinger Dr. Stroudsburg, PA 18360	Monroe	Jackson Twp.	UNT Reeders Run, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021312003	William L. Grant P. O. Box 287 Brodheads ville, PA 18322	Carbon	Mahoning Twp.	Mahoning Creek, EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805025R	John Fretz Fretz-Simonds Partnership 188 Jefferson St. Emmaus, PA 18049	Northampton	City of Bethlehem	Saucon Creek, HQ-CWF, MF

*Schuylkill County Conservation District: 1206 Ag Center Drive, RR 5, Box 5810, Pottsville, PA 17901, 570-622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025411003	Port Clinton Borough Attn: Gregory A. Boltz P. O. Box 246 Port Clinton, PA 19549	Schuylkill	Borough of Port Clinton, Schuylkill County; West Brunswick Township, Schuylkill County; Windsor Twp., Berks County; Borough of Hamburg, Berks County	Rattling Run, EV, MF Rattling Run, CWF, MF Little Schuylkill River, CWF, TSF; Schuylkill river, WWF, MF
PAI025406004R	KP Tamaqua LP 2700 Water St. York, PA 17405	Schuylkill	Rush Township	Nesquehoning Creek, HQ-CWF, MF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041412003	Larry Bickford MCP Real Estate LLC 200 Innovation Blvd State College PA 16803	Centre	Patton Township	Waddle Creek HQ-CWF

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724) 438-4497*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI052612001	Western Pennsylvania Conservancy/Fallingwater Thomas Saunders PO Box R Mill Run, PA 15464	Fayette	Stewart Township	Laurel Run/Upper Youghiogheny River (HQ-CWF)

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

*Crawford Conservation District, Woodcock Nature Center, 21742 German Road, Meadville PA 16335*

*Erie Conservation District, 1927 Wagner Road, Erie PA 16509*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062012001	Townville DPPV LLC Attn: Austin Rogers 201 Summit View Drive Suite 110 Brentwood TN 37027	Crawford	Steuben Township	East Branch Muddy Creek CWF; HQ
PAI062509002(1)	Erie Regional Airport Authority Attn: Chris Rodgers 4411 West 12th Street Erie Pa 16505-0393	Erie	Girard Township and Millcreek Township	Marshall Run, CWF Wilkins Run, CWF Crooked Creek, HQ

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


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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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**CAFO Notices of Intent Received**


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

**PAG124842**, CAFO (SIC 0212), **John Pepper Enterprise LLC**, 2642 Granville Road, Granville Summit, PA 16926.

This proposed facility is located in Granville Township, **Bradford County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposed to construct two (2) finishing hog barns that will hold 2,400 hogs each. In addition, existing veal barns will be converted to a dairy barn and will house a herd of 40 milk cows and 15 dry cows. The second existing veal barn will also be converted for other dairy operation. There are a total of 802.17 AEUs.

The receiving stream, North Branch Towanda Creek, is in watershed 04A (Tioga River—Cowanesque River) and classified for: Cold Water Fishes, Migratory Fishes (CWF, MF).

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Shadewood 123 Acker Road Newport, PA 17074	Perry	149	967.5	Swine	none	Renewal



<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Farm Montour Farms Inc. Pete Drost 30 Greenleaf Road Bloomsburg, PA 17815	Montour	0	368.22	Broilers	N/A	Renewal

Owner  
Pete Drost  
4070 Mountain Street  
Beamsville, ON LOR  
1B7  
905-328-8596

**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**

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

**Application No. 4611533** Public Water Supply  
Applicant **Aqua Pennsylvania, Inc.**  
Boro Hatboro  
County **Montgomery**

Responsible Official Joseph Thurwanger  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
Type of Facility PWS  
Application Received Date November 23, 2011  
Description of Action Replacement of the existing Summit Road Booster Station with a new pre-fabricated station.

**Application No. 0912503** Public Water Supply  
Applicant **Aqua Pennsylvania, Inc.**  
Townships Bensalem and Lower South Hampton  
County **Bucks**  
Responsible Official Mr. Dennis Mahoney  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010  
Type of Facility PWS  
Application Received Date January 20, 2012  
Description of Action Applicant is requesting permit approval to construct approximately 18,000 linear feet of 36-inch ductile iron transmission main.

**Application No. 1511523** Public Water Supply  
Applicant **Comprehensive Addiction Programs, Inc.**  
Township New Garden  
County **Chester**  
Responsible Official Stephen A. Marcino, P.E.  
661 Moore Road,  
Suite 110  
King of Prussia, PA 19406  
Type of Facility PWS  
Application Received Date August 9, 2011

Description of Action Construction of a new water Treatment system to serve Comprehensive Addiction Program's Bowling Green Brandywine Treatment Center. The system will consist of a new water treatment building, two (2) well pumps, raw water filtration, a water softener, a nitrate removal system, a chemical feed system for disinfection and ph adjustment, a 50,000 gallon storage tank, four (4) booster pumps and an emergency generator.

**Application No. 0911544** Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**  
 Township New Britain Township  
 County **Bucks**  
 Responsible Official Aqua Pennsylvania, Inc.  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Type of Facility PWS  
 Application Received Date July 19, 2011  
 Description of Action Construction of an in-ground pitless adapter booster station consisting of (2) 80 gpm pumps. Station is known as the Dosey Booster Pump Station.

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

**Permit No. 6712502**, Public Water Supply.

Applicant **Audubon Park**  
 Municipality Monaghan Township  
 County **York**  
 Responsible Official Kurt E Suter, Owner  
 322 South Hanover Street  
 Carlisle, PA 17013  
 Type of Facility Public Water Supply  
 Consulting Engineer Max E Stoner, P.E.  
 Glace Associates, Inc.  
 3705 Trindle Rd  
 Camp Hill, PA 17011  
 Application Received: 2/16/2012  
 Description of Action Corrosion control treatment.

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

**Permit No. 2012501**, Public Water Supply

Applicant **Autumn Hills Water Company**  
 [Township or Borough] West Mead Township  
 [County] **Crawford**  
 Responsible Official Robert H. Stiller  
 Type of Facility Public Water Supply

Consulting Engineer Bruce D. Patterson, P.E.  
 Porter Consulting Engineers  
 814 N. Main Street  
 Meadville, PA 16335

Application Received Date March 1, 2012

Description of Action Installation of 100 feet of 18" PVC pipe (replace existing system components) to provide adequate contact time.

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

**Notice of Proposed Interim Response  
 Lawn Avenue Site**

**West Rockhill Township and Sellersville Borough,  
 Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), is proposing a response action at the Lawn Avenue Site (Site) in West Rockhill Township and Sellersville Borough, Bucks County, Pennsylvania.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation includes the sampling of private drinking water supply wells located along portions of Farmers Lane and Lawn Avenue. To date, sampling has revealed that ten homes have levels of Tetrachloroethene and/or Trichloroethene that exceed their respective Safe Drinking Water Maximum Contaminant Levels.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of a water-line, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8:00 am until 4:00 pm at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Bonnie McClennen at (484) 250-5965 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the West Rockhill Township Building and Sellersville Borough Hall.

Pursuant to Section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on May 1, 2012 at 7:00 pm at the West Rockhill Elementary School Cafeteria located at 1000 Washington Avenue, Sellersville, PA 18960. Anyone who would like to present formal oral comments regarding this proposed response may do so by registering with the Department before the meeting. Individuals may register by calling

the Department's Community Relations Coordinator, Lynda Rebarchak, at (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business Monday June 18, 2012. Written comments should be addressed to Bonnie McClennen, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Bonnie McClennen at (484) 250 5965.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area,

the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Kroening Rental Lot #39, Montour Township, Columbia County.** Reliance Environmental, Inc., 130 E. Chestnut Street, Lancaster, PA 17602 on behalf of Ms. Joy Kroening, 522 Montour Blvd, Lot #39, Bloomsburg, Pa 17815 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

#### RESIDUAL WASTE GENERAL PERMITS

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#### **Application(s) 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.**

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*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR082D002. AMSI, US, LLC**, 897 Perry Highway, Harmony, PA 16037. Site: Quemahoning Industrial Development Park, 111 Hoganas Way, Hollsopple, PA 15935. This application for renewal is for processing and beneficial use of steel and iron slag and refractory bricks mined from an existing slag pile for use as a construction material. The processing is limited to magnetic separation of metallic and mechanical separation and sizing. The application was deemed administratively complete by Central Office on February 23, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseallpa.gov. When submitting comment via e-mail, place "Comments on WMGR082D002" 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.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

##### Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

**General Permit Application No. WMGRO38SC006. Blair County Resource Recovery Facility, Inc., 1356 Old 6th Avenue Road, Altoona, PA 16603.**

The Southcentral Regional Office, Waste Management Program received an application on February 21, 2012 for a determination of applicability (DOA) under Residual Waste General Permit No. WMGRO38 for the Blair County Resource Recovery Facility, Inc. located at 1356 Old 6th Avenue Road, Altoona, PA in Logan Township, **Blair County**. This general permit is for the processing of waste tires at their facility and the subsequent beneficial use of waste tires, tire derived material and tire derived fuel.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Facilities Manager, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

##### Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit Application No. 400593. Covanta Delaware Valley LP, 10 Highland Avenue, Chester, PA 19013-2231.** This minor permit application is proposing to use secondary effluent from the Chester DELCORA facility as make-up water for the cooling tower at the Delaware Valley Resource Recovery Facility, a municipal waste resource recovery facility located in the City of Chester, **Delaware County**. The application was received by the Southeast Regional Office on February 21, 2012.

#### 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.

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

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

**09-0027G: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) for a Plan Approval application for a new 10 station Rotogravure Press to replace an existing press in West Rockhill Township, **Bucks County**. Fres-co is a Title V Facility. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-03117G: Custom Processing Services, Inc.** (2 Birchmont Drive, Reading, PA 19606) for construction of an additional micro milling unit and associated collection system at their facility in Exeter Township, **Berks County**.

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

This plan approval is for the authorization to construct an additional micronizer grinder. Particulate matter (PM) emissions are not expected to increase beyond 3.15 tons per year. The Plan Approval and Operating permit will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

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

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

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

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

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

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

**10-350C: iDL Worldwide Inc.** (500 Grant Avenue, East Butler, PA 16029) for construction of the Sheet Polymer Mounting Department and the Cyrel Platemaking Operations in East Butler Borough, **Butler County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will,

in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

This construction of the Sheet Polymer Mounting Department and the Cyrel Platemaking Operations could result in an increase in emissions of 31.81 tpy for VOC and 1.611 tpy for HAPs. However, the facility VOC limit of 49.5 tpy will not be changed. This Plan Approval will contain emission restriction, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Subject to 25 Pa. Code § 129.77

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494; Phone (814) 332-6940 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [10-350C]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

In accordance with 25 Pa. Code § 127.45(a)(6), a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or 25 Pa. Code §§ 127.521–127.524 for Title V operating permits.

**25-1021A: Team Hardinger Transportation** (1314 West 18th Street, Erie PA 16502) for an increase in VOC emissions from the painting operation at the facility. The paint booth at this site was exempted from plan approval on January 27, 2009. The facility is proposing to increase throughput, using the equipment currently in place. This facility is located in the City of Erie, **Erie County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-1021A to Team Hardinger Transportation for an increase in VOC emissions from the painting operation. This facility is located in the City of Erie, Erie County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 25-1021A is for an increase in VOC emissions from the painting operation. Based on the information provided by the applicant and DEP's own analysis, the subject source will have the potential to emit approximately 10 tons a year of volatile organic compounds.

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

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

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

**AMS 11197: James Abbott Inc.** (2105 East Wishart Street, Philadelphia, PA 19134) for installation and operation of a decorative chrome plating and an electroless & electrolytic nickel plating process that uses a wetting agent in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of less than 0.03 mg/dscm of Trivalent Chromium and less than 0.1 mg/dscm of Nickel. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 11281: Sweet Ovations, LLC.** (1741 Tomlinson Rd, Philadelphia, PA 19116) for installation of four (4) baghouses in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of less than 0.5 ton of Particulate Matter. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 10010E: NSWCCD-SSES** (5001 South Broad Street, Philadelphia, PA 19112) for installation of an 806 Hp Caterpillar Marine Emergency Diesel Generator at the DD(X) Test Cell. The generator will be used for testing and evaluation and not for emergency power use. The Generator will also be subject nitrogen oxide (NOx) emission of 2.41 tons per rolling 12-month, 0.24 ton of sulfur dioxide (SO<sub>2</sub>) per rolling 12-month and 0.07 ton of particulate matter (PM) per rolling 12-month. The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements. This Plan Approval will replace the Plan Approval 10010 issued on June 15, 2010 which has been extended for period of 18 months as per 25 Pa. Code § 127.13 with no changes to the permit conditions.

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

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

**46-0007: Holy Redeemer Hospital & Medical Center** (1648 Huntingdon Pike, Meadowbrook, PA 19046) for the addition of a stationary spark ignition reciprocating internal combustion engine for the production of electricity for the hospital and a system of heat exchangers to recover the heat from the exhaust from the engine for heating requirements throughout the hospital. This engine is subject to 40 C.F.R. Part 63, Subpart ZZZZ because the hospital is an area source of hazardous air pollutants, and this engine is subject to 40 C.F.R. Part 60, Subpart JJJJ for new spark ignition reciprocating internal combustion engines. The facility is located in Abington Township, **Montgomery County**.

## OPERATING PERMITS

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

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

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

**26-00588: Laurel Mountain Midstream, LLC** (Westpointe Center Three, 1605 Coraopolis Heights Road, Moon Township, PA, 15108) for compressing natural gas in the field on a contract basis at the Shamrock Compressor Station in German Township, **Fayette County**. This is a Title V Operating Permit Application submittal.

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

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

**10-00267: Alcoa Commercial Windows LLC** (71 Progress Avenue, Cranberry Township, PA 16066), for the facility located in Cranberry Township, **Butler County**, to modify the Title V Only Operating Permit. The facility has two sources that are affected by this modification. Source 101 is the Tellkamp line & Binks booth controlled by a thermal oxidizer. Source 102 is the coated extrusion bake oven which is also controlled by the same thermal oxidizer. The facility is a major facility due to its potential to emit volatile organic compounds (VOCs). 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 National Emission Standards for Hazardous Air Pollutants (NESHAP) for surface coating of miscellaneous metal parts and products (40 CFR 63, Subpart Mmmm). The modification is specifically to include additional compliance options allowed under Subpart Mmmm to be included in the permit. The facility is proposing to use the facility-specific emissions limit alternative in combination with the emission rate without add-on controls option for compliance with Subpart Mmmm for Sources 101 and 102. This modification will not increase VOC or HAP emissions at the facility.

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**38-03017: Keystone Spikes Corp.** (255 North Lincoln Avenue, Lebanon, PA 17046) for the railroad spike manufacturing facility in Lebanon City, **Lebanon County**.

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

The subject facility has actual emissions of 1.3 tpy of SO<sub>x</sub> and 0.1 tpy of NO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

**67-05080: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405) for operation of their Thomasville Lincoln Stone Plant in Jackson Township, **York County**.

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

The subject facility had the following actual emissions in 2010: 6 TPY of PM10. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Portions of the aggregate processing plant are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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.

Daniel C. Husted, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**08-00014: New Enterprise Stone and Lime Co., Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for issuance of a State-Only (Synthetic Minor) Operating Permit renewal for operation of their Towanda Plant facility in Wysox Township, **Bradford County**. New Enterprise Stone and Lime Co., through its division—Eastern Industries, Inc., operates a 150 tph batch mix asphalt plant (Source ID P101), two 15,000 gallon asphalt storage tanks and one 10,000 gallon asphalt storage tank (Source ID P102), a 12,000 gallon fuel oil storage tank (Source ID P103), a batch concrete plant (Source ID P105), and an immersion parts washer (Source P106). The Department of Environmental Protection proposes to issue State-Only (Synthetic Minor) Operating Permit 08-00014. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

**41-00063: Ralph S. Alberts Co., Inc.** (60 Choate Circle, Montoursville, PA 17754-9791) on February 27, 2012, to issue a state only operating permit for their polyurethane foam parts manufacturing facility located in Fairfield Township, **Lycoming County**. The facility's main sources include five surface-coating spray booths, a solvent cleaning sink, and various natural gas-fired space heaters. The facility has the potential to emit all criteria pollutants below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**11-00277: Northern Cambria School District** (600 Joseph Street, Northern Cambria, PA, 15714-1233) for a Synthetic Minor Operating Permit renewal for the Northern Cambria Elementary & Middle Schools in Northern Cambria Boro, **Cambria County**. Equipment at this facility includes one tri-fuel boiler equipped to burn either coal or fuel oil, a fuel oil-fired boiler, and an emergency generator fired on fuel oil. Potential emissions from the facility are based on a limit of burning 2,000 tons of coal per consecutive 12 month period in the tri-fuel boiler and are estimated to be 15.0 tons NOx, 1.4 tons VOCs, 12.4 tons CO, 5.4 tons particulate matter and 97.0 tons SOx. 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.

**30-00177: Coresco, LLC.** (308 Dents Run Road, Morgantown, WV 26501) for continued operation of a coal transport facility in Dunkard Township, **Greene County**

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) intends to issue a State Only Operating Permit (SOOP) to Coresco, LLC's Dooley Run Terminal in Dunkard Township, Greene County to authorize the continued operation of a coal transport facility. The facility consisting of belt lines, stockpile, and haul road and other supporting equipment for the purpose of transporting coal across the state line into West Virginia.

The allowable throughput is 3,000,000 tons per year through this facility. Potential emissions from the facility are estimated to be 43.99 tons of particulate matter (PM) per year and 12.85 tons of particulate matter under 10 microns (PM10) per year. A road sweeper and a pressurized water truck are available to the site and to be used for dust suppression purposes. In-plant roads and areas of vehicle traffic should be watered, as needed on a preventative basis, and earth or other material transported from the site should be removed promptly such that visible fugitive emissions do not cross the property line. The proposed SOOP contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-30-00177), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

**46-00186: Tri-Valley Crematory** (667 Harleysville Pike, Franconia, PA) for operation of a human crematory in Franconia Township, **Montgomery County**. The renewal permit is for a non-Title V (State only) facility. The major source of air emissions is one (1) propane-fired human crematory unit. No changes have taken place at the facility and there have been no new regulations since the permit was last issued in November 2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00108: Refractory Minerals Co, Inc.** (150 S Jenersville Rd, West Grove, PA 19390-9430) for the operation of an alumina processing facility in Penn Township, **Chester County**. The renewal permit is for a non-Title V (State only) facility and no changes have taken place since the permit was last issued on November 27, 2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**36-03077: ICM of Pennsylvania, Inc.** (638 Lancaster Avenue, Malvern, PA 19355) for the operation of their crushing and screening plant at the Cedar Hill Quarry in Fulton Township, **Lancaster County**. This is a renewal of their State-Only Operating Permit issued in 2007.

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

The subject facility has the potential to emit 34.5 tpy of PM & 12.7 tpy of PM10. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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.

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

## 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*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**03031302 and NPDES No. PA0235598, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 5 Deep Mine in South Bend Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on February 28, 2012. Application received January 30, 2012.

**56841603 and NPDES No. PA0588504, PBS Coals, Inc.**, (PO Box 260, Friedens, PA 15541), to renew the permit for the Shade Creek Prep Plant in Shade Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on February 28, 2012. Application received May 16, 2011.

**32041301 and NPDES No. PA0235644, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Brush Valley Mine in Center and Brush Valley Townships, **Indiana County** and related NPDES permit. No additional discharges. The

application was considered administratively complete on February 29, 2012. Application received June 6, 2011.

**03901302 and NPDES No. PA0215325, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 1 Deep Mine in South Bend Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on February 29, 2012. Application received January 30, 2012.

**30841316. Consol Pennsylvania Coal Company, LLC** (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine & Prep Plant in Washington and Morris Townships, **Greene County** to add acreage for development mining only for Upper East Development Phase 3. Underground Acres Proposed 7131, Subsidence Control Plan Acres Proposed 7131. The application was considered administratively complete on March 1, 2012. Application received October 13, 2011.

**03961302 and NPDES No. PA0214531, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the Darmac No. 3 Deep Mine in Plumcreek Township, **Armstrong County** and Washington Township, **Indiana County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on March 1, 2012. Application received January 30, 2012.

**30031301 and NPDES No. PA0235610. Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run

Road, Morgantown, WV 26501), to revise the permit for the 4 West Mine in Dunkard and Perry Townships, **Greene County** and related NPDES permit to add acreage for development mining. Underground Acres Proposed 85.4, Subsidence Control Plan Acres Proposed 85.4. No additional discharges. The application was considered administratively complete on March 5, 2012. Application received August 23, 2011.

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

**Permit No. 56120103 and NPDES No. PA0268925. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 77.5 acres. Receiving stream(s): UTS to/and Quemahoning Creek; Quemahoning Reservoir classified for the following use(s): cold water fishery; warm water fishery. The first downstream potable water supply intake from the point of discharge is the Quemahoning Reservoir. Application received January 25, 2012.

**Permit No. 56120201 and NPDES no. PA0268933. Robindale Energy Services, Inc.**, 224 Grange Hall Road, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface refuse reprocessing and beneficial use of coal ash mine in Conemaugh Township, **Somerset County**, affecting 65.0 acres. Receiving stream(s): UTS to/and Kaufman Run and Stonycreek River classified for the following use(s): cold water fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes stream encroachments along an Unnamed Tributary to Kaufman Run and the Stonycreek River to reprocess coal refuse, install an access/haul road and to construct erosion and sedimentation controls. Application received January 25, 2012.

**11120102 and NPDES No. PA0268941. Wilson Creek Energy, LLC**, 140 West Union Street, Suite 102, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 70.1 acres. Receiving stream(s): UTS to/and Brubaker Run to Chest Creek to the West Branch of Susquehanna River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes stream encroachments to construct a haulroad crossing and erosion and sedimentation controls within the barrier area of unnamed tributaries to Brubaker Run and to relocate an unnamed tributary. The application also includes requests for Section 401 Water Quality Certifications. Application received February 13, 2012.

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

**03060103 and NPDES Permit No. PA0250911. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215). Application for transfer from Black Rock Coal of an existing bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: unnamed tributaries to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received February 8, 2012.

**03030102 and NPDES Permit No. PA0250350. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215). Application for transfer from AMFIRE Mining Company, LLC of an existing bituminous surface mine, located in Sugarcreek and East Franklin Township, **Armstrong County**, affecting 256.5 acres. Receiving streams: unnamed tributaries to Long Run and to Long Run, to Patterson Creek, to Buffalo Creek to the Allegheny River classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received January 11, 2012.

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

**16060107 and NPDES Permit No. PA0258199. Ancient Sun, Inc.** (P. O. Box 129, Shippensburg, PA 16254). Renewal of an existing bituminous surface mine in Ashland Township, **Clarion County** affecting 62.0 acres. This renewal is for reclamation only. Receiving streams: Unnamed tributary to Little East Sandy Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 24, 2012.

**16060102 and NPDES Permit No. PA0258121. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803), Renewal of an existing bituminous surface mine in Beaver & Licking Townships, **Clarion County** affecting 29.0 acres. This renewal is for reclamation only. Receiving streams: Unnamed tributaries to the Clarion River and the Clarion River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 29, 2012.

**16120101 and NPDES Permit No. PA0259233. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), Commencement, operation and restoration of a bituminous surface mine in Limestone Township, **Clarion County** affecting 130.5 acres. Receiving streams: One unnamed tributary to Piney Creek, one unnamed tributary to Glade Run, and two unnamed tributaries to Sloan Run, all classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 27, 2012.

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

**17050108 and NPDES No. PA0256277. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine located in Graham and Morris Townships, **Clearfield County** affecting 91.2 acres. The company is also requesting a change in land use from forestland to rural residential. Receiving stream: Moravian Run classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 16, 2012.

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

**49870202C6 and NPDES Permit No. PA0593834. Susquehanna Coal Company**, (PO Box 27, Nanticoke, PA 18634), correction to an existing anthracite coal refuse reprocessing operation to include surface mining in Mt. Carmel and Coal Townships, **Northumberland County** affecting 788.0 acres, receiving stream: Coal Run, classified for the following uses: cold water and migratory fishes. Application received February 23, 2012.

**49870202R5 and NPDES Permit No. PA0593834.** **Susquehanna Coal Company**, (PO Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing and anthracite surface mine operation in Mt. Carmel and Coal Townships, **Northumberland County** affecting 788.0 acres, receiving stream: Coal Run, classified for the following uses: cold water and migratory fishes. Application received February 23, 2012.

*Noncoal Applications Returned*

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

**4776SM2—Bishop Brothers Construction, Inc.** (P. O. Box 289, Ulster, PA 18850). Transfer of an existing large industrial mineral mine from Wysox Sand and Gravel, Inc. located in Wysox Township, **Bradford County** affecting 20.0 acres. Receiving stream: Susquehanna River classified for warm water fishery.

There are no potable water supply intakes within 10 miles downstream. Application received December 22, 2011. Application Returned February 27, 2012.

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

**47080301. Haggerty Sand & Gravel**, (423 4th Street, Easton, PA 18042), commencement, operation and restoration of a quarry operation in Mahoning and Cooper Townships, **Montour County** affecting 51.7 acres, receiving stream: North Branch Susquehanna River. Application received January 31, 2008. Application Returned March 5, 2012.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**10010306. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212). Renewal of NPDES Permit No. PA0241903 in Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and unnamed tributaries to Black Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received February 24, 2012.

**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:

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0236080 (Mining Permit No. 33071301), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A new NPDES and mining activity permit for the Kocjancic Mine in Snyder Township, **Jefferson County** and Horton Township, **Elk County** for a new underground mine. Surface Acres Affected 33.3, Underground Acres Affected 1735.0. Receiving stream: East Branch of Walburn Run, classified for the following use: CWF. Little Toby Creek Watershed TMDL. The application was considered administratively complete on August 13, 2007. Application received June 29, 2007.

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 proposed average daily discharge rate for Outfall 001 varies with precipitation.

Outfall 001 discharges to: East Branch of Walburn Run

The proposed effluent limits for Outfall 001 Lat: 41° 16' 23" Long: 78° 45' 53" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.2	2.4	3.0
Manganese (mg/l)		0.8	1.6	2.0
Aluminum (mg/l)		0.8	1.6	2.0
Alkalinity greater than acidity <sup>1</sup>				
Osmotic Pressure (mOs/kg)			Monitor & Report	
Total Dissolved Solids (mg/l)			Monitor & Report	
Sulfates (mg/l)			Monitor & Report	

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 0.6 MGD

Outfall 002 discharges to: East Branch of Walburn Run

The proposed effluent limits for Outfall 002 Lat: 41° 16' 32" Long: 78° 45' 42" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		0.2	0.4	0.5
Manganese (mg/l)		0.1	0.2	0.3
Aluminum (mg/l)			Monitor & Report	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		10	20	25
Total Dissolved Solids (mg/l)			Monitor & Report	
Sulfates (mg/l)			Monitor & Report	

<sup>1</sup> The parameter is applicable at all times.

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

**NPDES No. PA0605841 (Mining permit no. 56823143), Croner, Inc.,** P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for mining in Quemahoning Township, **Somerset County**, affecting 202 acres. Receiving stream(s): unnamed tributaries to Beaverdam Creek and Beaverdam Creek, classified for the following use(s): high quality—cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River Watersheds TMDL. Application received December 28, 2011.

The outfall(s) listed below discharge to unnamed tributaries to Beaverdam Creek and Beaverdam Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond 1	N
002—Treatment Pond 2	N
003—Treatment Pond 3	N
004—Sediment Pond A	N
005—Sediment Pond B	N
006—Sediment Pond C	N
007—Sediment Pond D	N
008—Sediment Pond E	N

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

<i>Outfalls: 001, 002, and 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

<i>Outfalls: 004, 005, 006, 007 and 008 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0121533 (Mining permit no. 11803038), Cooney Brothers Coal Company,** P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for continued reclamation and water treatment in Adams Township, **Cambria**

**County**, affecting 1,589.8 acres. Receiving stream(s): unnamed tributaries to Babcock Creek, Babcock Creek, and Paint Creek, classified for the following use(s): cold water fishery. These receiving streams are included in the Kiski-Conemaugh TMDL. Application received March 16, 2010.

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

The outfall(s) listed below discharge to an unnamed tributary of Babcock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
045 (Pot Ridge Shop, Lasky Shop)	N
042 (Sed. Pond 30)	N

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

<i>Outfalls: 045</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	1.6	3.2	4.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only
Flow			Monitor Only
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 042</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	1.6	3.2	4.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow			Monitor Only
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall(s) listed below discharge to Paint Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
014 (Mine 42)	N
046 (Power Line Discharge)	N

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

<i>Outfalls: 014</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	2.6	5.2	6.5
Manganese (mg/l)	1.7	3.4	4.2
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only
Flow			Monitor Only
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 046</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only
Flow			Monitor Only
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The permit also includes the following conditions and compliance schedules:

1. No later than 90 days after the commencement of discharge from each outfall, the permittee is required to collect and submit samples from mine drainage treatment facility outfalls for the parameters listed in 40 CFR 122, Appendix D, Table III & IV in compliance with 40 CFR 122.21(g)(7).

2. Compliance Schedule for Osmotic Pressure: Along with all other required parameters, the permittee shall collect and report osmotic pressure data on the final 045 (Pot Ridge Shop), 014 (Mine 42) and 046 (Power Line) treatment outfalls at a frequency of twice per month. The permittee also shall collect osmotic pressure data at stream monitoring points

23PR2, 18PR2, 22PR2, and at the Mine 42 bridge on Paint Creek (sampling frequency quarterly). The osmotic pressure data must be submitted each quarter with the quarterly water monitoring reports for the site. The Department will calculate a water quality based effluent limit for osmotic pressure at the 045, 014 and 046 discharge points and will revise the permit to add that osmotic pressure effluent limit when the Department has determined that adequate data have been collected to calculate such a limit.

3. Compliance Schedule for Pond 30 Discharge: Within 120 days of the issuance of this permit renewal, the permittee shall submit a complete plan to the Cambria District Mining Office to address periodic substandard discharge events from the 042 (Pond 30) facility. The plan must be designed to cause the discharges from that outfall to meet the assigned effluent limits. Within one year of receiving Department approval of the plan, the permittee must complete implementation of the plan.

**NPDES No. PA0125474 (Mining permit no. 11813039), Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for continued reclamation and water treatment in Adams Township, **Cambria County**, affecting 1,353 acres. Receiving stream(s): unnamed tributary to and Sulphur Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received March 16, 2010.

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

The outfall(s) listed below discharge to Sulphur Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
011 Krayn SAP, 004 (Dunlo Plant)	N
018 (Sed. Pond 1A)	N

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

<i>Outfalls: 011</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only
Flow			Monitor Only

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

<i>Outfalls: 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	2.9	5.8	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only
Flow			Monitor Only

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

<i>Outfalls: 018</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow			Monitor Only

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

The permit also includes the following conditions and compliance schedules:

1. No later than 90 days after the commencement of discharge from each outfall, the permittee is required to collect and submit samples from mine drainage treatment facility outfalls for the parameters listed in 40 CFR 122, Appendix D, Table III & IV in compliance with 40 CFR 122.21(g)(7).

2. Compliance Schedule for Osmotic Pressure: Along with all other required parameters, the permittee shall collect and report osmotic pressure data on the final 004 and 011 treatment outfalls (sampling frequency twice per month) and on stream monitoring points 13, 8 and 26 (sampling frequency quarterly). The osmotic pressure data must be submitted each quarter with the quarterly water monitoring reports for the site. The Department will calculate a water quality based effluent limit for osmotic pressure at the 004 and 011 discharge points and will revise the permit to add that osmotic pressure effluent limit when the Department has determined that adequate data have been collected to calculate such a limit.

3. Compliance Schedule for the Krayn Discharge and Sediment Pond 1A: Within 120 days of the date of issuance of this renewal permit, the permittee must submit a complete plan for upgrading the 011 (Krayn) treatment system and for addressing the substandard quality water which periodically discharges from sediment pond 1A. The plan must be designed to cause the discharges from those outfalls to meet the assigned effluent limits. Within one year of receiving Department approval of the plan, the permittee must complete implementation of the plan.

**NPDES No. PA0606511 (Mining permit no. 56743138), Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for continued reclamation and water treatment in Ogle and Adams Townships, **Somerset** and **Cambria Counties**, affecting 739.51 acres. Receiving stream(s): unnamed tributary to and Babcock Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: March 16, 2010.

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

The outfall(s) listed below discharge to Babcock Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001(T-1), 002 (T-2, SP23)	N
007 (Sed. Pond 3), 022 (Sed. Pond 19A)	N

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

<i>Outfalls: 001, 002</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			Monitor Only
Flow			Monitor Only
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 007, 022</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.1	2.2	2.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow			Monitor Only
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The permit also includes the following conditions and compliance schedule:

1. No later than 90 days after the commencement of discharge from each outfall, the permittee is required to collect and submit samples from mine drainage treatment facility outfalls for the parameters listed in 40 CFR 122, Appendix D, Table III & IV in compliance with 40 CFR 122.21(g)(7).

2. Compliance Schedule for Osmotic Pressure: Along with all other required parameters, the permittee shall collect and report osmotic pressure data on the final 001 and 002 treatment outfalls (sampling frequency twice per month) and on stream monitoring point 2A (sampling frequency quarterly). The osmotic pressure data must be submitted each quarter with the quarterly water monitoring reports for the site. The Department will calculate a water quality based effluent limit for osmotic pressure for the 001 and 002 discharge points and will revise the permit to add that osmotic pressure effluent limit when the Department has determined that adequate data have been collected to calculate such a limit.

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

**NPDES No. PA0259233 (Permit No. 16120101), Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), New NPDES permit for a bituminous surface mine in Limestone Township, **Clarion County**, affecting 130.5 acres. Receiving streams: Unnamed tributaries to Sloan Run, unnamed tributary to Piney Creek, and unnamed tributary to Glade Run, all classified for the following uses: CWF. TMDL: None. Application received February 27, 2012.

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

The outfall(s) listed below discharge to unnamed tributary No. 4 to Sloan Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	Y



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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.8	3.6	4.5
Manganese (mg/l)		1.3	2.6	3.25
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary No. 1 to Sloan Run and unnamed tributary No. 3 to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB	Y
TC1	Y
TC2	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries Nos. 1 and 4 to Sloan Run and unnamed tributary No. 3 to Piney Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA0225207 on Surface Mining Permit No. 40663023, Pagnotti Enterprises, Inc.**, 46 Public Square, Suite 600, Wilkes-Barre, PA 18701, new NPDES permit for an anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in Hazle Township, **Luzerne County**, affecting 640.0 acres, of which 145 acres is proposed to be affected and covered under this NPDES permit. Receiving stream: Hazle Creek, classified for the following use: High Quality—cold water fishes and migratory fishes (TMDL—metals and pH). Application received December 14, 2011.

There will be no discharge from the areas affected to Hazle Creek. Non-discharge BMPs will be in effect.

**NPDES No. PA0225258 on Surface Mining Permit No. 35090101, Maco Associates, Inc.**, 400 Mill Street, Dunmore, PA 18512, new NPDES Permit for an anthracite surface mine and coal refuse reprocessing in Fell Township and City of Carbondale, **Lackawanna County**, affecting 300.0 acres. Receiving stream: Lackawanna River, classified for the following use: HQ—cold water fishes. Application received January 17, 2012.

Non Discharge BMP's will be in effect for this site. No discharge proposed to Lackawanna River.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0594148 on Surface Mining Permit No. 8173SM1. Hanson Aggregates Pennsylvania, LLC**, 7660 Imperial Way, Allentown, PA 18195, revised NPDES Permit for an increase in Average Discharge Rate from 2.0 to 4.1 MGD for a Limestone Quarry operation in East Caln and West Whiteland Townships, **Chester County**, affecting 303.62 acres. Receiving stream: Valley Creek, classified for the following uses: cold water fishes and migratory fishes. Application received May 10, 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 Valley Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	N	O.D.

**NPDES No. PA0225223 on Surface Mining Permit No. 48080301. Grand Central Sanitary Landfill, Inc.**, 910 West Pennsylvania Avenue, Pen Argyl, PA 18072, new NPDES Permit for a slate quarry operation in Pen Argyl Borough, **Northampton County**, affecting 174.59 acres. Receiving stream: Waltz Creek, classified for the following uses: cold water fishes and migratory fishes. Application received January 3, 2012.

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 Waltz Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	Yes	O.D.

**NPDES No. PA0225266 on Surface Mining Permit No. 36120301. ICM of Pennsylvania, Inc.**, 638 Lancaster Avenue, Malvern, PA 18355, new NPDES Permit for a Limestone Quarry operation in Upper Leacock and Manheim Townships, **Lancaster County**, affecting 106.3 acres. Receiving stream: Conestoga River, classified for the following uses: warm water fishes and migratory fishes. Application received February 16, 2012.

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 Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D.
002	No	O.D.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-493. William Penn School District**, 100 Green Avenue—Annex, Lansdowne, PA 19050, Colwyn Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a parking lot by utilizing permeable pavers and associated storm water management facilities in and along the 100-year floodplain of Cobbs Creek (WWF, MF).

The site is located south of the intersection of Water and Main streets (Lansdowne, PA USGS Quadrangle (N: 11.75 inches; W: 3.6 inches).

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

**E13-169. Carbon County**, P. O. Box 129, Jim Thorpe, PA 18229, in Mahoning Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 72-foot wide road crossing of Beaver Run (CWF, MF) consisting of an open-bottom precast concrete arch having a 32-foot span and a 7.5-foot underclearance for the purpose of providing access to the Packerton Business Park. The project is located adjacent to the intersection of SR 0209 and SR 3006 (Lehighon, PA Quadrangle, Latitude: 40°51'2.6"; Longitude: -75°42'45.5").

**E48-416. Borough of Walnutport**, 417 Lincoln Avenue, Walnutport, PA 18088, in Borough of Walnutport, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To restore and maintain the Lehigh Canal, Lock 23 with work consisting of removing portions of the existing lock, removal of debris from the canal, excavation of the lock spillway area, construction of a new concrete spillway and restoration of the canal banks. The project is located on the west side of South Canal Street approximately 0.15 mile south of Main Street (Palmerton, PA Quadrangle, Latitude: 40°45'4.9"; Longitude: -75°36'0.2").

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E60-211. Allen Z. Wehr**, 7768 Old Turnpike Road, Mifflinburg, PA 17844. Wehr Cabin Bridge, in Lewis Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 40° 59' 15.40"; W: -77° 06' 58.41").

To construct and maintain a 12-foot wide by 40-foot clear span steel-beam and wood-deck bridge supported on in-bank masonry abutments with a 5-foot underclearance over Roaring Run for private road access to an existing cabin located 2,120 feet east on SR 192 from Cooper Mill Road. This project proposes to permanently impact 22 linear feet of Rapid Run, which is classified as a High Quality—Wild Trout stream.

*Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E56-361. PennDot District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Quemahoning Township, **Somerset County**. ACOE Pittsburgh District.

The applicant proposes to remove the existing 28' wide, 142.5' long, two span, SR 4003 bridge with a 60 degree skew and to construct and maintain a new 42.4' wide, 201.8' long, two span bridge with a 72 degree skew and minimum 15.6' underclearance over Stony Creek (TSF); fill and maintain 0.11 acre of adjacent wetland; relocate 258' of an adjacent unnamed tributary; to construct and maintain associated outfalls; temporarily impact 0.04 acre of adjacent wetland; and construct a temporary causeway. The new bridge is located on line with the existing bridge. Wetland mitigation will be onsite. (Stoystown Pa Quadrangle; N: 18.2 inches; W: 9.2 inches; Latitude 40° 6' 3.5"; Longitude 78° 56' 28") Quemahoning Township, Somerset County.

**E65-946. Regional Trail Corporation**, PO Box 95, West Newton, PA 15089, Salem Township, **Westmoreland County**, ACOE Pittsburgh District.

The applicant proposes to place and maintain fill in 0.03425 acre of wetlands in the Beaver Run drainage (HQ-CWF), for the purpose of constructing a walking trail on an abandoned railroad grade. The project is located approximately 175' west of state route 819 in the village of Slickville, in Salem Township, Westmoreland County, Pennsylvania. (Slickville, PA quadrangle N 15.1", W 3.5"; Latitude 40° 27' 31", Longitude 79° 31' 25")

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

**E37-176A, Mahoning Township**, 4538 West State Street, Hillsville, PA 16132. Mahoning Township WWTP and Sewer Line Project, in Mahoning Township,

**Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41°, 0', 59.0"; W: 80°, 26', 31.1").

To amend permit No. E37-176, which authorized the construction and maintenance of a 0.36 MGD wastewater treatment plant and associated sewage collection system. The proposed amendment will modify the project to eliminate the originally proposed underground siphon pipe sewer line stream crossing of the Mahoning River in favor of a gravity sewer line that will be attached to the structure of the S.R. 224 bridge over the Mahoning River and buried within an approximate 15 foot high earthen embankment along the western side of S.R. 224 from the southern end of the bridge to the S.R. 551 intersection. The construction of the earthen embankment along S.R. 224 will result in the filling of three PSS/PFO wetlands, totaling 0.15 acre. In addition to the 0.04 acre of previously permitted wetland impacts, the total combined wetland impacts associated with the project is 0.19 acre. The applicant has proposed contribution to the PA Wetland Replacement Fund for replacement of 0.19 acre of wetland impact.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-024: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain a 16 inch diameter gathering line impacting 12 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) and 150 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'35"N, 76°21'06"W).

The project will result in 12 linear feet of temporary stream impacts and 150 square feet of temporary wetland impacts for the purpose of installing a gathering line for Marcellus well development.

**E5929-029: EQT Gathering, LLC**, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, Duncan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16 inch diameter natural gas gathering line and a temporary timber mat bridge impacting 65 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'37"N 77°16'47"W);

2) a 16 inch diameter natural gas gathering line and a temporary timber mat bridge impacting 47 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'31"N 77°16'42"W);

3) a 16 inch diameter natural gas gathering line and a temporary timber mat bridge impacting 57 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'26"N 77°16'41"W);

4) a 16 inch diameter natural gas gathering line and temporary timber matting impacting 1,105 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°39'09"N 77°16'21"W);

5) a 16 inch diameter natural gas gathering line and a temporary timber mat bridge impacting 75 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'03"N 77°16'10"W);

6) a 16 inch diameter natural gas gathering line and temporary timber matting impacting 325 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°39'03"N 77°16'08"W);

7) a 16 inch diameter natural gas gathering line and a temporary timber mat bridge impacting 78 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'02"N 77°16'03"W).

The project will result in 322 linear feet of temporary stream impacts and 1,430 square feet (0.03 acre) of temporary wetland impacts all for the purpose of installing the natural gas gathering lines and associated access roadways.

**E0829-037: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Tuscarora Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°43'59", Longitude: -76°07'35"),

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 25 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°43'59", Longitude: -76°07'40"),

3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 46 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°43'59", Longitude: -76°07'41"),

4. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°44'01", Longitude: -76°07'53"),

5. two 16 inch temporary waterlines and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 280 square feet (Laceyville, PA Quadrangle, Latitude: 41°44'25", Longitude: -76°08'15"),

6. two 16 inch temporary waterlines and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 2,347 square feet (Laceyville, PA Quadrangle, Latitude: 41°44'22", Longitude: -76°08'16"),

The project will result in 123 linear feet and 191 square feet of temporary stream impacts and 2,627 square feet (0.06 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

**E4129-034: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Gamble, Cascade, Cogan House, & Pine Townships, Lycoming County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 1,501 square feet of a palustrine scrub shrub (PSS) wetland (Bodines, PA Quadrangle 41°24'21"N 76°57'32"W);

2) a temporary road crossing using a timber mat bridge two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 3,773 square feet of a palustrine scrub shrub (PSS) wetland (Bodines, PA Quadrangle 41°24'25"N 76°57'33"W);

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 96 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'48"N 76°57'20"W);

4) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 69 linear feet of East Branch Murray Run (EV, MF) and 18,870 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°24'23"N 76°56'57"W);

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 4,649 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'23"N 76°56'48"W);

6) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 572 square feet of a pond (Bodines, PA Quadrangle 41°25'26"N 76°57'39"W);

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 189 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'22"N 76°56'11"W);

8) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 138 linear feet of an unnamed tributary (UNT) to Wallis Run (EV, MF) (Bodines, PA Quadrangle 41°24'22"N 76°56'06"W);

9) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 64 linear feet of an unnamed tributary (UNT) to Wallis Run (EV, MF) (Bodines, PA Quadrangle 41°24'37"N 76°55'53"W);

10) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 63 linear feet of Roaring Run (EV, MF) (Bodines, PA Quadrangle 41°24'42"N 76°55'38"W);

11) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 83 linear feet of an unnamed tributary (UNT) to West Branch Murray Run (EV, MF) (Bodines, PA Quadrangle 41°24'44"N 76°57'50"W);

12) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 518 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°24'43"N 76°57'48"W);

13) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 76 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines, PA Quadrangle 41°25'09"N 76°57'12"W);

14) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 96 linear feet of an unnamed tributary (UNT) to East Branch Murray Run (EV, MF) (Bodines, PA Quadrangle 41°24'55"N 76°57'25"W);

15) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 11,516 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'15"N 76°54'43"W);

16) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 66 linear feet of an unnamed tributary (UNT) to Slacks Run (HQ-CWF, MF) and 21,199 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'16"N 76°54'30"W);

17) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 280 linear feet of an unnamed tributary (UNT) to Slacks Run (HQ-CWF, MF) and 2,814 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Bodines, PA Quadrangle 41°27'17"N 76°54'25"W);

18) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 4,408 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'18"N 76°53'59"W);

19) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 7,316 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'18"N 76°53'56"W);

20) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline and one electric/fiber optic line bored beneath 100 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'18"N 76°53' 51"W);

21) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 4,846 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'19"N 76°53'42"W);

22) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 254 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'19"N 76°53'41"W);

23) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 289 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'19"N 76°53'38"W);

24) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath

94 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 26,025 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'19"N 76°53'19"W);

25) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 130 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 42,826 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'16"N 76°53'07"W);

26) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 239 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 14,326 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'12"N 76°52'59"W);

27) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 15,754 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'06"N 76°52'35"W);

28) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 1,834 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'06"N 76°52'29"W);

29) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 60 linear feet of an unnamed tributary (UNT) to West Branch Wallis Run (EV, MF) and 4,621 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'06"N 76°52'26"W);

30) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch steel gas line, one 12 inch HDPE waterline, and one electric/fiber optic line bored beneath 60 linear feet of an unnamed tributary (UNT) to West Branch Wallis Run (EV, MF) (Barbours, PA Quadrangle 41°27'06"N 76°52'24"W);

31) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 6,826 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'15"N 76°59'03"W);

32) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 12 inch HDPE waterline, and one electric/fiber optic line impacting 27,125 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°24'15"N 76°59'08"W);

33) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 13 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°26'29"N 77°12'08"W);

34) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 69 linear feet of an unnamed tributary (UNT) to Bear Run

(EV, MF) and 106 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°26'45"N 77°12'01"W);

35) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line 88 linear feet of Bear Run (EV, MF) and 169 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°26'47"N 77°12'01"W);

36) two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 5 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°27'18"N 77°12'01"W);

37) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 79 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°27'40"N 77°11'57"W);

38) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, two 6 inch flex steel waterlines, one 24 inch steel gas line, one 12 inch HDPE waterline, one electric/fiber optic line impacting 63 linear feet of an unnamed tributary (UNT) to Bear Run (EV, MF) (White Pine, PA Quadrangle 41°27'41"N 77°11'58"W).

The project will result in 1621 linear feet of temporary stream impacts and 3.59 acres of temporary wetland impacts all for the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcelus well development.

**E5929-027: Talisman Energy USA, Inc.**, 50 Pennwood Place, Warrendale, PA 15086, Bloss, Hamilton, Liberty, Union, and Ward Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 214 square feet of a palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'28"N 77°06'03"W);

(2) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 75 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'29"N 77°06'03"W);

(3) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 110 square feet (bore) of a palustrine forested (EV-PFO) wetland (Blossburg, PA Quadrangle 41°39'27"N 77°05'56"W);

(4) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 5 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'27"N 77°05'56"W);

(5) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 260 square feet of a palustrine forested (EV-PFO) wetland (Blossburg, PA Quadrangle 41°39'26"N 77°05'51"W);

(6) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 30 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'26"N 77°05'50"W);

(7) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 88 square feet of a palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'26"N 77°05'49"W);

(8) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 6 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'26"N 77°05'49"W);

(9) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using seven 20 foot long 36 inch diameter corrugated metal pipes impacting 110 linear feet of Bellman Run (CWF) (Blossburg, PA Quadrangle 41°39'22"N 77°05'36"W);

(10) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 122 linear feet of an unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°39'04"N 77°05'22"W);

(11) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 103 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°38'01"N 77°05'12"W);

(12) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 186 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N 77°04'32"W);

(13) Timber matting impacting 2,095 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N 77°04'25"W);

(14) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 433 square feet of a palustrine emergent wetland (PEM) (Blossburg, PA Quadrangle 41°38'17"N 77°04'24"W);

(15) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 190 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'18"N 77°04'15"W);

(16) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 1,394 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N 77°04'07"W);

(17) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using two 20 foot long 36 inch diameter corrugated metal pipes impacting 89 linear feet of a Dibble Run (EV) (Blossburg, PA Quadrangle 41°38'7"N 77°03'53"W);

(18) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 116 linear feet of an unnamed tributary to Dibble Run (EV) (Blossburg, PA Quadrangle 41°38'05"N 77°03'47"W);

(19) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 111 linear feet of an unnamed tributary to Dibble Run (EV) (Blossburg, PA Quadrangle 41°38'06"N 77°03'41"W);

(20) Timber matting impacting 167 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'15"N 77°03'34"W);

(21) Timber matting impacting 554 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'15"N 77°03'34"W);

(22) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 199 of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'18"N 77°05'28"W);

(23) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using five 20 foot long 36 inch diameter corrugated metal pipes impacting 151 linear feet of a Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'24"N 77°02'43"W);

(24) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 110 linear feet of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'24"N 77°02'41"W);

(25) Timber matting impacting 1,035 square feet of a palustrine scrub-shrub/emergent (EV-PSS/PEM) wetland (Blossburg, PA Quadrangle 41°38'25"N 77°02'32"W);

(26) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 2,057 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°38'47"N 77°02'15"W);

(27) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 113 linear feet of an unnamed tributary to Carpenter Run (EV) (Blossburg, PA Quadrangle 41°38'55"N 77°02'19"W);

(28) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 889 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'02"N 77°02'12"W);

(29) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 97 linear feet of an unnamed tributary to Carpenter Run (EV) (Blossburg, PA Quadrangle 41°39'04"N 77°02'09"W);

(30) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using six 20 foot long 36 inch diameter corrugated metal pipes crossing impacting 101 linear feet of Carpenter Run (EV) (Blossburg, PA Quadrangle 41°39'05"N 77°02'07"W);

(31) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,370 square feet of a palustrine forested (EV-PFO) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°02'05"W);

(32) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,991 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°02'01"W);

(33) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 39 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'04"N 77°02'01"W);

(34) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 108 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'06"N 77°01'57"W);

(35) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,962 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'06"N 77°01'57"W);

(36) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting bridge impacting 3,903 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°01'55"W);

(37) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 103 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'05"N 77°01'54"W);

(38) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 2,918 square feet of palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°01'54"W);

(39) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 99 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'06"N 77°01'47"W);

(40) A timber mat bridge impacting 24 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'06"N 77°01'44"W);

(41) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 11,586 square feet of palustrine forested/scrub shrub (PFO/PSS) wetland (Blossburg, PA Quadrangle 41°39'06"N 77°01'42"W);

(42) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 630 square feet of palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'10"N 77°01'41"W);

(43) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 92 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'09"N 77°01'23"W);

(44) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 106 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'10"N 77°01'20"W);

(45) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 948 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'10"N 77°01'19"W);

(46) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 926 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'12"N 77°01'17"W);

(47) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 844 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'15"N 77°01'09"W);

(48) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 3,910 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'16"N 77°01'08"W);

(49) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 2,505 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'16"N 77°01'04"W);

(50) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 105 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'17"N 77°01'03"W);

(51) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 647 square feet of a

palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'17"N 77°01'01"W);

(52) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 116 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'18"N 77°01'01"W);

(53) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 617 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'18"N 77°01'01"W);

(54) Timber matting impacting 579 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'59"W);

(55) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 111 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'18"N 77°00'59"W);

(56) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 1,564 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'18"N 77°00'58"W);

(57) Timber matting impacting 774 square feet of a palustrine emergent/scrub shrub (PEM/PSS) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'58"W);

(58) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 5,306 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°00'56"W);

(59) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 88 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N 77°00'55"W);

(60) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 209 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'45"W);

(61) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 3,341 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'43"W);

(62) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 188 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'19"N 77°00'43"W);

(63) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 187 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'42"W);

(64) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 2,445 square feet of a palustrine emergent/forested (PEM/PFO) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'35"W);

(65) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 103 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'19"N 77°00'35"W);

(66) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 1,426 square feet of a palustrine emergent/scrub shrub/forested (PEM/PSS/PFO) wetland (Blossburg, PA Quadrangle 41°39'21"N 77°00'27"W);

(67) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 113 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'21"N 77°00'19"W);

(68) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 4,349 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'22"N 77°00'18"W);

(69) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 183 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'22"N 77°00'17"W);

(70) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 120 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'22"N 77°00'13"W);

(71) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,530 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'23"N 77°00'12"W);

(72) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 34 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'25"N 77°00'08"W);

(73) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 37 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'26"N 77°00'07"W);

(74) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 36 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'28"N 77°00'06"W);

(75) Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 145 linear feet of Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'28"N 77°00'05"W);

(76) Timber matting impacting 2,333 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'28"N 77°00'05"W);

(77) A temporary road crossing using six 30 foot long 36 inch diameter corrugated metal culverts impacting 30 linear feet of Carpenter Run (EV) (Blossburg, PA Quadrangle 41°39'8"N 77°02'06"W);

(78) A temporary road crossing using timber mats impacting 1,324 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'9"N 77°02'05"W);

(79) A temporary road crossing using timber mats impacting 345 square feet of a palustrine open water (POW) wetland (Blossburg, PA Quadrangle 41°39'10"N 77°02'05"W);

(80) A temporary road crossing using timber mats impacting 380 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'15"N 77°01'49"W);

(81) A temporary road crossing using a timber mat bridge impacting 53 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'15"N 77°01'49"W);

(82) A temporary road crossing using timber mats impacting 42 square feet of a palustrine forested/scrub



shrub/emergent (PFO/PSS/PEM) wetland (Blossburg, PA Quadrangle 41°39'15"N 77°01'50"W);

(83) A temporary road crossing using timber mats impacting 13 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'16"N 77°01'47"W);

(84) A temporary road crossing using a timber mat bridge impacting 42 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'16"N 77°01'45"W);

(85) A temporary road crossing using timber mats impacting 39 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'17"N 77°01'43"W);

(86) A temporary road crossing using timber mats impacting 53 square feet of a palustrine open water (POW) wetland (Blossburg, PA Quadrangle 41°39'17"N 77°01'42"W);

(87) A temporary road crossing using a timber mat bridge impacting 36 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'19"N 77°01'35"W);

(88) A temporary road crossing using a timber mat bridge impacting 36 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N 77°01'33"W);

(89) A temporary road crossing using timber mats impacting 922 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'23"N 77°01'16"W);

(90) A temporary road crossing using timber mats impacting 2,029 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'23"N 77°01'15"W);

(91) A temporary road crossing using timber mats impacting 648 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°01'02"W);

(92) A temporary road crossing using timber mats impacting 233 square feet of a palustrine emergent (PEM) wetland with a forested boundary (Blossburg, PA Quadrangle 41°39'20"N 77°00'59"W);

(93) A temporary road crossing using a timber mat bridge impacting 47 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N 77°00'59"W);

(94) A temporary road crossing using timber mats impacting 1,757 square feet of a palustrine emergent (PEM) (Blossburg, PA Quadrangle 41°39'20"N 77°00'58"W);

(95) A temporary road crossing using timber mats impacting 346 square feet of a palustrine forested (PFO) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°00'57"W).

The project will result in 3,313 linear feet of temporary stream impacts, a total of 32,025 square feet (0.74 acre) of temporary wetland impacts, and 44,776 square feet (1.03 acres) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, a fresh water-line, and associated access roads for Marcellus well development.

**E5829-015: Appalachia Midstream Services, LLC**, 100 1st Center, Horseheads, NY 14845, Rush Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Wyalusing Creek (WWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 45' 53", Longitude: -76° 05' 34");

2) a 12 inch diameter gas gathering line impacting 219 linear feet of an unnamed tributary to Wyalusing Creek (WWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 04", Longitude: -76° 05' 23");

3) a 12 inch diameter gas gathering line impacting 255 linear feet of Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 45' 59", Longitude: -76° 03' 14");

4) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 06", Longitude: -76° 04' 06");

5) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 04");

6) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 04");

7) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 02");

8) a 12 inch diameter gas gathering line impacting 218 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 10", Longitude: -76° 04' 17");

9) a 12 inch diameter gas gathering line impacting 230 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 10", Longitude: -76° 04' 17");

10) a 12 inch diameter gas gathering line impacting 872 square feet of Palustrine Scrub Shrub (PSS) Wetlands (Lawton, PA Quadrangle; Latitude: 41° 46' 01", Longitude: -76° 04' 48");

11) a 12 inch diameter gas gathering line impacting 7,167 square feet of Palustrine Emergent (PEM), Palustrine Scrub Shrub (PSS), and Palustrine Forested (PFO) Wetlands (Lawton, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -76° 03' 12");

12) a 12 inch diameter gas gathering line impacting 5,298 square feet of Palustrine Emergent (PEM) Wetlands (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 37");

The project will result in 963 linear feet of temporary stream impacts and 13,337 square feet of wetland impacts, all for the purpose of constructing the natural gas gathering line and associated access roads for Marcellus Shale well development.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D39-017EA. Bruce Solt, Superintendent, Parks and Recreation Department, City of Allentown**, 3000 Parkway Boulevard, Allentown, PA 18104. City of Allentown, **Lehigh County**, ACOE Philadelphia District.

Project proposes to breach Mill Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The dam is located across Little Lehigh Creek (HQ-CWF) (Allentown West, PA Quadrangle, Latitude: 40.5624; Longitude: -75.5120).

**D39-124EA. Bruce Solt, Superintendent, Parks and Recreation Department, City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104. City of Allentown, Lehigh County, ACOE Philadelphia District.**

Project proposes to remove Robin Hood Bridge Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The dam is located across Little Lehigh Creek (HQ-CWF) (Allentown East, PA Quadrangle, Latitude: 40.5822; Longitude: -75.4830).

**D39-082EA. Bruce Solt, Superintendent, Parks and Recreation Department, City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104. City of Allentown, Lehigh County, ACOE Philadelphia District.**

Project proposes to remove Jordan Park Dam for the purpose of eliminating a threat to public safety and restore the stream to a free-flowing condition. The proposed restoration project includes construction of in-stream structures and a floodplain bench. The project is located within Jordan Park in and adjacent to Jordan Creek (TSF) (Allentown East, PA Quadrangle, Latitude: 40.6195; Longitude: -75.4764).

**D05-007EA. John L. Montgomery, Borough Manager, Bedford Borough Water Authority, 244 West Penn Street, Bedford, PA 15522. Bedford Township, Bedford County, ACOE Baltimore District.**

Project proposes to breach Milburn Spring Reservoir Dam for the purpose of eliminating a threat to public safety. The dam is located across a tributary to Cumberland Valley Run (WWF) (Bedford, PA Quadrangle, Latitude: 40.0062; Longitude: -78.5328).

**D54-027EA. Schuylkill County Municipal Authority, P. O. Box 960, Pottsville, PA 17901. New Castle Township, Schuylkill County, ACOE Philadelphia District.**

Project proposes to modify Mount Laurel Dam across Mud Run (HQ-CWF) in order to meet current Dam Safety requirements. Modifications include replacement of the existing spillway, outlet replacement and repair to the downstream embankment slope. Modification will necessitate permanent impacts to 0.09-acre of Palustrine Emergent Wetland. The applicant is proposing wetland compensation via contribution to the Pennsylvania Wetland Replacement Fund. The dam is located approximately 0.4-miles southwest of the intersection of SR 61 and Interstate 80 (Shenandoah, PA Quadrangle, Latitude: 40°46'18"; Longitude: -76°13'55").

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## ACTIONS

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### 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 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>
PA0029190 (Sewage)	Monsignor McHugh School 212 Route 390 Cresco, PA 18326	Monroe County Paradise Township	Unnamed Tributary to Paradise Creek (1-E)	Y

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

<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>
PA0092274 Sewage	Unity Township Municipal Authority 370 Pleasant Unity Mutual Road Greensburg, PA 15601	Westmoreland County Unity Township	UNT of Sewickley Creek	Y
PA0096938 Sewage	Silver Dolphin MHP 189 Dolphin Lane Greensburg, PA 15601	Westmoreland County Hempfield Township	UNT of Little Sewickley Creek	Y
PA0205737 Sewage	South Oakford Station Road 9 Box 679 Greensburg, PA 15601	Westmoreland County Hempfield Township	UNT to Brush Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0104191	National Fuel Gas Heath Station PO Box 2081 1100 State Street, Erie, PA 16512-2081	Jefferson County Heath Township	Unnamed Tributary of Callen Run (17-B)	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. PA0027383**, Sewage, **Southwest Delaware County Municipal Authority**, One Gamble Lane, Aston, PA 19014.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Southwest Delaware County Municipal Authority STP to Baldwin Run and Chester Creek in Watershed 3-G.

**NPDES Permit No. PA0012424**, IW, **McAdoo & Allen, Inc.**, 201 South Hellertown Avenue, Quakertown, PA 18951-1768.

This proposed facility is located in Quakertown Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge noncontact cooling water and Stormwater from a facility known as Quaker Color Cooling and SW System to Beaver Run in Watershed 2D.

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

**NPDES Permit No. PA0037052-A1**, Sewage, SIC Code 4952, **Pen Argyl Municipal Authority**, 11 North Robinson Avenue, Pen Argyl, PA 18072.

This existing facility is located in Pen Argyl Borough, **Northampton County**.

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

**NPDES Permit No. PA0034517**, Industrial Waste, SIC Code 4941, **East Stroudsburg Borough**, PO Box 303, 24 Analomink Street, East Stroudsburg, PA 18301.

This existing facility is located in Smithfield Township, **Monroe County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste from the East Stroudsburg Borough Water Filtration Plant.

**NPDES Permit No. PAS232212**, Storm Water, SIC Code 2834, **Piramal Critical Care Inc.**, 3950 Schelden Circle, Bethlehem, PA 18017.

This proposed facility is located in Hanover Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for a discharge of Storm Water from an existing facility.

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

**NPDES Permit No. PAS603508**, Stormwater, **Michael Brennan**, Cumberland Recycling, Inc., PO Box 307, Carlisle, PA 17013-0307.

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

Description of Proposed Action/Activity: Authorization to discharge to UNT Letort Spring Run in Watershed 7-B.

**NPDES Permit No. PA0261751**, Groundwater Cleanup, **Scott Wonsettler**, United Refining Company, PO Box 688, 15 Bradley Street, Warren, PA 16365.

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

Description of Proposed Action/Activity: Authorization to discharge to Trindle Spring Run in Watershed 7-B.

**NPDES Permit No. PA0261581, Amendment No. 1**, Industrial Waste, **Red Lion Borough Municipal Authority**, PO Box 190, Red Lion, PA 17356.

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

Description of Proposed Action/Activity: Authorization to discharge to Cabin Creek in Watershed 7-I.

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

**PA0104442**, Sewage, SIC Code 4952, **Breakneck Creek Regional Authority**, PO Box 1180, Mars, PA 16046-1180. Facility Name: Breakneck Creek STP. This existing facility is located in Adams Township, **Butler County**.

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

The receiving stream, the Breakneck Creek, is located in State Water Plan watershed 20-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 3.0 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	250	375	XXX	10	15	20
Nov 1 - Apr 30	375	575	XXX	15	23	30
Total Suspended Solids	751	1,126	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	Geo Mean 10,000
UV Intensity (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Geo Mean Report Avg	XXX	Geo Mean XXX
Ammonia-Nitrogen						
May 1 - Oct 31	37.5	XXX	XXX	1.5	XXX	3
Nov 1 - Apr 30	82.6	XXX	XXX	3.3	XXX	6.6
Total Phosphorus	50	XXX	XXX	2	XXX	4
Total Copper						
INTERIM	XXX	XXX	XXX	Report	XXX	Report
FINAL	XXX	XXX	XXX	0.016	XXX	0.032
Total Lead						
INTERIM	XXX	XXX	XXX	Report	XXX	Report
FINAL	XXX	XXX	XXX	0.068	XXX	0.136
Total Zinc						
INTERIM	XXX	XXX	XXX	Report	XXX	Report
FINAL	XXX	XXX	XXX	0.132	XXX	0.264

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

- Sanitary Sewer Overflows
- Requirements Applicable to Stormwater Outfalls
- Toxics Reduction Evaluation (TRE)

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

The EPA Waiver is not in effect.

**PA0002666—Amendment No. 2**, Industrial Waste, NAICS Codes 324 & 325, **Sonneborn, Inc.**, 575 Corporate Drive, Mahwah, NJ 07430-9300. Facility Name: Sonneborn. This existing facility is located in Fairview Township, **Butler County**.

Description of Existing Activity: The amendment of an NPDES permit for an existing discharge of treated industrial waste, treated stormwater, and untreated stormwater from a producer of surface active agents. The purpose of this amendment is to place modified temperature limitations in the permit as a result of findings from a completed 316(a) Thermal Variance Study. New special conditions were also added to Part C of the permit for eDMR and solids management requirements.

The receiving stream(s), South Branch Bear Creek, is located in State Water Plan watershed 17-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Annual Average		Minimum	Annual Average		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Barium	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 010 are based on a design flow of 0.42 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Daily Average	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5	XXX	XXX	XXX
Temperature (°F)						
Jan 1-31	XXX	XXX	XXX	78	XXX	XXX
Feb 1-29	XXX	XXX	XXX	79	XXX	XXX
Mar 1-31	XXX	XXX	XXX	85	XXX	XXX
Apr 1-15	XXX	XXX	XXX	86	XXX	XXX
Apr 16-30	XXX	XXX	XXX	102	XXX	XXX
May 1-15	XXX	XXX	XXX	93	XXX	XXX
May 16-31	XXX	XXX	XXX	110	XXX	XXX
Jun 1-15	XXX	XXX	XXX	108	XXX	XXX
Jun 16-30	XXX	XXX	XXX	110	XXX	XXX
Jul 1-31	XXX	XXX	XXX	99	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Daily Average</i>	<i>Daily Maximum</i>	
Aug 1-31	XXX	XXX	XXX	95	XXX	XXX
Sep 1-15	XXX	XXX	XXX	96	XXX	XXX
Sep 16-30	XXX	XXX	XXX	87	XXX	XXX
Oct 1-15	XXX	XXX	XXX	85	XXX	XXX
Oct 16-31	XXX	XXX	XXX	81	XXX	XXX
Nov 1-15	XXX	XXX	XXX	82	XXX	XXX
Nov 16-30	XXX	XXX	XXX	78	XXX	XXX
Dec 1-31	XXX	XXX	XXX	77	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	46	91	XXX	13	26	32
Nov 1 - Apr 30	91	182	XXX	Avg Mo 26	52	65
Total Suspended Solids	175	350	XXX	Avg Mo 50	150	150
Oil and Grease	52	105	XXX	Avg Mo 15	30	30
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	4.6	9.1	XXX	1.3	2.6	3.25
Nov 1 - Apr 30	13.7	27.3	XXX	Avg Mo 3.9	7.8	9.75
Total Aluminum	2.3	4.6	XXX	Avg Mo Report	Report	XXX
Total Barium	11.7	23.4	XXX	Avg Mo 3.4	6.7	8.3
Total Iron	5.2	10.3	XXX	Avg Mo Report	Report	XXX
Total Manganese	4.0	8.0	XXX	Avg Mo 1.0	2.0	2.5

The proposed effluent limits for Outfall 021 are based on a design flow of 0.000000 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>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 022 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Minimum</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 023 are based on a design flow of 0.000000 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)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 024 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Annual Average</i>		<i>Minimum</i>	<i>Annual Average</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 025 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Annual Average</i>		<i>Minimum</i>	<i>Annual Average</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

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

- Requirement to Use eDMR System
- Chemical Additives
- Stormwater Sampling Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340. The EPA Waiver is not in effect.

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

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

**WQM Permit No. 1511405**, Sewage, **Wawa Inc.**, 260 West Baltimore Pike, Wawa, PA 19063.

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

Description of Action/Activity: Construction and operation of a sewage treatment plant with subsurface disposal system.

**WQM Permit No. WQG02151112**, Sewage, **Northwestern Chester County Municipal Authority**, 37 Dampman Road, P. O. Box 308, Honey Brook, PA 19344.

This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main for 67 townhomes.

**WQM Permit No. 1501401**, Sewage, **Renewal, Penn Township**, 260 Lewis Road, P. O. Box 39, West Grove, PA 19390-0039.

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

Description of Action/Activity: Continued operation of existing permit for Penn Township wastewater treatment plant. Permit was amended in 2006 increasing the flow from 0.25 mgd to 0.35 mgd.

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

**WQM Permit No. 6711202**, Industrial Waste, **Red Lion Borough Municipal Authority**, PO Box 190, Red Lion, PA 17356.

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

Description of Proposed Action/Activity: Permit approval for the construction of industrial waste facilities consisting of: Conversion of existing water treatment plant system into an industrial wastewater treatment system—consisting of settling basins with decant mechanism; and sludge holding basins for offsite disposal.

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

**WQM Permit No. 1407202 A-1**, Industrial Waste [SIC 4952], **Madisonburg Waterworks**, 260 Madisonburg Pike, Madisonburg, PA 16852.

This proposed facility is located in Miles Township, **Centre County**.

Description of Proposed Action/Activity: The client wishes to amend their current WQM permit to approve the use of an existing infiltration basin to dispose of maintenance wash and chemical clean-in-place industrial wastewaters

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

**WQM Permit No. 5611402**, Sewerage, **Borough of Somerset**, 347 West Union Street, Somerset, PA 15501

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

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers.

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

**WQM Permit No. WQG018831**, Sewage, **Gregory Hess**, 5501 Luxury Drive, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This general permit approves the construction and operation of a Small Flow Treatment Facility.

#### 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 151130	Reedville Ventures, LLC 135 North Fifth Street Oxford, PA 19363	Chester	Lower Oxford Township	Unnamed Tributary Big Elk Creek (HQ-TSF-MF)
PAI01 2308007-1	Sweetwater Valley, LLC PO Box 287 Gradyville, PA	Chester	Middletown Township	Rocky Run (HQ-CWF-MF)

*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>
PAI023911010	City of Allentown 641 South 10th Street 3rd Floor Allentown, PA 18103	Lehigh	City of Allentown	Lehigh River, TSF, MF; Tributary to Lehigh River, CWF, MF; Jordan Creek, TSF, MF
PAI025411001	Reserve Homes, LLC 6866 Christophalt Drive Bath, PA 18014	Schuylkill	Tamaqua Borough	Owl Creek, HQ-CWF, MF

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030611004	Dave Bitler Vista Grande Dairy 290 Ruth Road Fleetwood, PA 19522	Berks	Richmond Township	Moselem Creek/HQ-CWF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030610012	Gregg Eshelman Quaker Hill Development 4339 Morgantown Road Mohnton, PA 19540	Berks	Robeson Township	UNT to Beaver Run/ HQ-CWF, MF
PAI034411002	Jeff Ingram GE Inspection Technologies 50 Industrial Park Road Lewistown, PA 17044	Mifflin	Granville Township	UNT to Juniata River/ HQ-CWF, MF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F088R	Dave Palmer Trotter Farm S&A Homes Inc 2121 Old Gatesburg Rd State College PA 16803	Centre	Halfmoon Township	Halfmoon Creek HQ-CWF
PAI041411009	Charles Amershek Church of the Good Shepherd 867 Grays Woods Blvd PO Box 8186 State College PA 16805	Centre	Patton Township	Buffalo Run HQ-CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041811003	East Nittany Valley Joint Mun Auth 216 Clintondale Hill Rd Mill Hall PA 17751	Clinton	Porter Township	Fishing Creek HQ

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

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

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

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

*General Permit Type—PAG-02**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

Windber Borough Somerset County	PAG-02 105612001	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461	Main Stem of Paint Creek (CWF) to Stony Creek to Conemaugh River.	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7924
New Britain Township Bucks County	PAG0200 0911071	Michael Hatter 310 Reagan Drive Sellersville, PA 18960	Tributary North Branch Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0912004	DeLuca Homes 370 East Maple Ave, Suite 101 Langhorne, PA 19047	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAG0200 1511034	W.P. Realty, Inc. 940 Haverford Road Bryn Mawr, PA 19010	Darby Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1505108-RA1	Westrum Land Development 370 Commerce Drive, Suite 100 Fort Washington, PA 19034	East Branch Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG0200 1504103-RR	Oakcrest GIM Partners Four, LP 50 South 16th Street, Ste 2600 Philadelphia, PA 19102	Unnamed Tributaries to Sucker Run, Rock Run and West Branch Brandywine Creek (WWF-MF; TSF-MF; TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4611041	Tom Calhoun 109 Samantha Lane Lansdale, PA 19446	West Branch Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511138	SRF Brewerytown, LLC c/o Soloff Realty & Dev, Inc. Eight Tower Bridge 161 Washington Street, No. 920 Conshohocken, PA 19428	Non-tidal Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511140	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107	Green Tree Run—Schuylkill River—Delaware River Watershed (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Foster Township and Barry Township, Schuylkill County	PAG02005407001R	Schuylkill County Authority Attn: William Willard 240 Airport Road P. O. Box 674 Pottsville, PA 17901	Deep Creek, CWF, MF Hans Yost Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742

## NOTICES

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<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>
Conewago Township Adams County	PAG02000109017R	Christine M. Smith Conewago Resources 600 Edgegrove Rd., PO Box 407 Hanover, PA 17331	South Branch Conewago Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Ontelaunee Twp. Berks County	PAG02000612008	Edward Kerins Cambridge-Lee Industries, Inc. PO Box 14026 Reading, PA 19612	Maiden Creek/WWF & Schuylkill River/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Shippensburg & Southampton Twps. Cumberland County	PAG02002110002R	John Clinton Shippensburg University Foundation 1871 Old Main Drive Shippensburg, PA 17257	Middle Spring Creek/CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Silver Spring Twp. Cumberland County	PAG02002111031	Brian Soyka Sheetz, Inc. 351 Sheetz Way Claysburg, PA 16625	Hogestown Run/CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
West Hanover Twp. Dauphin County	PAG02002212006	Rod Coupal Triple Fleet Services, Inc. 352 North Fairville Avenue Harrisburg, PA 17112	Manada Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Huntingdon Borough Huntingdon County	PAG02003112002	Karen Foust Huntingdon Borough 530 Washington Avenue Huntingdon, PA 16652	Crooked Creek/ WWF, MF	Huntingdon Co. Conservation Dist. 10605 Raystown Rd., Suite A Huntingdon, PA 16652 814.627.6831
Milford Township Juniata County	PAG02033411004	New Enterprise Stone & Lime Co., Inc. PO Box 77 New Enterprise, PA 16664	Juniata River/ WWF, MF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953
Union Township Lebanon County	PAG0200380911(4)	Col. Samuel E. Hayes Training Site Headquarters (FTIG-GC) Bldg. T-0-1 FTIG Annville, PA 17003	Vesle Run/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Sandy Township Clearfield County	PAG02001711010	EOG Resources Inc 2039 S Sixth St Indiana PA 15701	Sandy Lick CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Muncy Creek Township Lycoming County	PAG02004110001R	B&P Railroad Inc 200 Meridian Ctr Ste 300 Rochester NY 14618  Chris Evangelou 629 N Derr Dr Lewisburg PA 17837	Glade Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Clinton Township Lycoming County	PAG02004111003(1)	Richard Barto Clinton Township 2106 SR 54 Montgomery PA 17752	Turkey Run WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Loyalsock Township Lycoming County	PAG02004111031	Richard Born 1500 Sycamore Rd Montoursville PA 17754	Miller Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Brady & Clinton Townships Lycoming County	PAG02004112001	Kurt Hausammann Lycoming County Planning Commission 48 W 3rd St Williamsport PA 17701	West Branch of Susquehanna River WWF, MF Black Hole Creek TSF, MF Black Run WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Montoursville Borough Lycoming County	PAG02004112003	Carol Savoy Savoy Contract Furniture 300 Howard St Montoursville PA 17754	West Branch of Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Liberty Township Montour County	PAG02004711007	Douglas Bogart 300 Potts Grove Rd Danville PA 17821	Beaver Run WWF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Kulpmont Borough Mt Carmel Township Northumberland County	PAG02004912002	Aqua Pennsylvania Inc 204 E Sunbury St Shamokin PA 17872	North Branch of Shamokin Creek CWF, MF Quaker Run CWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lewisburg Borough Buffalo Township Union County	PAG02006011013	Diakon Lutheran Social Ministries Steve Daniels 960 Century Dr Mechanicsburg PA 17055	UNT to Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
Buffalo Township Union County	PAG02006011014	Michael Noll 2018 Hoffa Mill Rd Mifflinburg PA 17844	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Economy Borough Beaver County	PAG02000412002	Michael Crinker 169 Warren Road Warrendale, PA 15086	UNT to Big Sewickley Creek (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Richland Township Cambria County	PAG02001111022	University of Pittsburgh at Johnstown Robert M. Blaschak 450 Schoolhouse Road Johnstown, PA 15904	UNT to Little Paint Creek (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Loretto Borough & Allegheny Township Cambria County	PAG02001111025	Saint Francis University PO Box 600 Loretto, PA 15940	UNT of Clearfield Creek (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
North Union Township Fayette County	PAG02002611016	Jack Bartko Tri Star Holdings Inc. 930 Rt. 22 Blairsville, PA 15717	Jennings Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Amwell Township Washington County	PAG02006312008	Golden Triangle Construction John Hopper 8555 Old Stubenville Pike Imperial, PA 15126	Red Run (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Munster Township Cambria County	PAG02001112002	Municipal Authority of the Borough of Cresson 631 Second Street Cresson, PA 16630	UNT of Little Conemaugh River (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Cranberry Township Butler County	PAG02001012013	SCI Development Co. Inc. P. O. Box 221 Warrendale Pa 15086	Breakneck Creek WWF	Butler Conservation District 724-284-5270

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Piney Township Clarion County	PAG02001611005	Clarion Altela Environmental Services 428 Power Lane Clarion PA 16214	UNT to Piney Creek	Clarion Conservation District 814-297-7813
Monroe Township Clarion County	PAG02001612002	Guos Enterprises 48 Greenbriar Avenue Selinsgrove PA 17870	Courtleys Run CWF	Clarion Conservation District 814-297-7813
Neshnock Township Lawrence County	PAG02003712002	Jones Lang LaSalle Attn: Mr. Clint Rounsfull 525 William Penn Place Suite 2500 Pittsburgh, PA 15259	Shenango River-WWF	Lawrence Conservation District 724-652-4512

*General Permit Type—PAG-03*

<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>
Horsham Township Montgomery County	PAR800068	United Parcel Service, Inc. 700 Blair Mill Road Horsham, PA 19044	Unnamed Tributary to Pennypack Creek—3J	Southeast Region Clean Water Program 484.250.5970
Lower Gwynedd Township Montgomery County	PAR230066	Rohn & Haas Company 727 Norristown Road Spring House, PA 19477	Wissahickon Creek & Neshaminy Creek	Southeast Region Clean Water Program 484.250.5970
Armstrong Township Lycoming County	PAR804814	Gulf Oil Limited Partnership 100 Crossing Boulevard Framingham, MA 01702-5401	West Branch Susquehanna River WWF	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport PA 17701-6448 570.327.3664

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

<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>
City of Erie Erie County	PAR708325	Lake Erie Biofuels d/b/a Hero BX 1540 East Lake Road Erie, PA 16511	Storm water tributaries to Motsch Run and Lake Erie	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Erie Erie County	PAR238303	Berry Plastics Corporation 316 West 16th Street Erie, PA 16502	Municipal storm water tributaries to Presque Isle Bay 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*Permit Type—PAG-4**Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**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>
Harborcreek Township Erie County	PAG041064	Gregory Hess 5501 Luxury Drive Erie, PA 16510	Unnamed Tributary to Fourmile Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*Permit Type—PAG-5**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>
Blair County / Tyrone Township	PAG053562	United Refining Company of PA—Kwik Fill S-032 PO Box 688 Warren, PA 16365	Hutchinson Run / WWF / 11-A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-10**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>
Dimock Township Susquehanna County	PAG102222	Laser Northeast Gathering Company 1212 South Abington Rd. Clarks Summit PA 18411	Meshoppen Creek Basin CWF, MF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18701 (570-826-2511)

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

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

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Pleasant View Farms Inc 261 Pleasant View Farms Lane Martinsburg, PA 16662	Blair	3417	2797	Dairy	Clover Creek, Piney Creek, Yellow Creek, Potter Creek, Plum Creek	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0911570**, Public Water Supply.

Applicant	<b>Newtown Artesian Water Company</b> P. O. Box 217 Newtown, PA 18940-0217
Township	Newtown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 80791 Valley Forge, PA 19494

Permit to Construct Issued February 21, 2012

**Permit No. 4612505**, Public Water Supply.

Applicant	<b>Frederick Mennonite Community</b> 2849 Big Road Frederick, PA 19435
Township	Upper Frederick
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultants, Inc. 10 Beulah Road New Britain, PA 18901

Permit to Construct Issued February 24, 2012

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

**Permit No. 3811518**, Public Water Supply.

Applicant	<b>West Lebanon Township</b>
Municipality	West Lebanon Township
County	<b>Lebanon</b>
Responsible Official	John Brenner, Commissioner 322 North 22nd Street Lebanon, PA 17046-2711
Type of Facility	Installation of GAC Treatment for PCE at Well No. 2.
Consulting Engineer	Jennifer I. Kintzer, P.E. Steckbeck Engineering & Surveying 279 North Zinns Mill Road Lebanon, PA 17042

Permit to Construct Issued: 3/1/2012

**Permit No. 3811517**, Public Water Supply.

Applicant	<b>Weber Properties</b>
Municipality	Jackson Township
County	<b>Lebanon</b>
Responsible Official	Samuel D. Abram Jr., Partner 925 Noble Street Lebanon, PA 17042
Type of Facility	Installation of permanganate and greensand filtration, booster pump and contact tanks at the Twin Maples MHP.



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

Permit to Construct 2/29/2012  
Issued:

**Permit No. 3811511 MA, Minor Amendment**, Public Water Supply.

Applicant **Twin Maples MHP**  
Municipality Jackson Township  
County **Lebanon**  
Responsible Official Samuel D. Abram Jr., Partner  
925 Noble Street  
Lebanon, PA 17042

Type of Facility Installation of additional contact piping for GWR 4-log treatment of viruses for EP 101.

Consulting Engineer David J Gettle  
Kohl Bros., Inc.  
PO Box 350  
Myerstown, PA 17067

Permit to Construct 2/29/2012  
Issued:

**Permit No. 2211511 MA, Minor Amendment**, Public Water Supply.

Applicant **GSP Management—Alex Acres MHP**  
Municipality Halifax Township  
County **Dauphin**  
Responsible Official Leanne Heller,  
Operations Manager  
PO Box 677  
Morgantown, PA 19543

Type of Facility Installation of additional contact piping for GWR 4-log treatment of viruses for EP 101 & 102.

Consulting Engineer James A. Cieri, P.E.  
ACT ONE Consultants, Inc.  
200 S. 41 Street  
Harrisburg, PA 17111

Permit to Construct 2/29/2012  
Issued:

**Operations Permit** issued to: **Oley Township Municipal Authority**, 3060053, Oley Township, **Berks County** on 2/29/2012 for the operation of facilities approved under Construction Permit No. 0601510.

**Operations Permit** issued to: **Southampton Manor Mobile Home Park**, 7210066, Southampton Township, **Cumberland County** on 2/29/2012 for the operation of facilities submitted under Application No. 2112502 MA.

**Operations Permit** issued to: **Blair Mobile, LLC**, 4070016, Freedom Township, **Blair County** on 2/23/2012 for the operation of facilities submitted under Application No. 4070016.

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

**Permit No. 5509501—Operation** Public Water Supply.

Applicant **Freeburg Municipal Authority**  
[Township or Borough] Freeburg Borough

County **Snyder**

Responsible Official Mr. Todd Hoffman  
Freeburg Municipal Authority  
P. O. Box 308  
Freeburg, PA 17827

Type of Facility Public Water Supply

Consulting Engineer Paul Deardorff, P.E.  
JMT  
220 St. Charles Way, Suite 200  
York, PA 17402

Permit Issued February 29, 2012

Description of Action Approves a Pall Aria AP-3 membrane microfiltration plant, disinfection, and cleaning chemical feeds.

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

Applicant **Pine Valley Mobile Home Park**  
[Township or Borough] West Buffalo Township

County **Union**

Responsible Official Ms. Rachel A. Wachs  
Pine Valley Mobile Home Park  
1333 Johnstown Road  
Mifflinburg, PA 17844

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued March 2, 2012

Description of Action 4-log inactivation of viruses at Entry Point 101 (Well Nos. 2 and 3).

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

**Permit No. 1111511**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Ebensburg**  
300 West High Street  
Ebensburg, PA 15931

[Borough or Township] Ebensburg Borough

County **Cambria**

Type of Facility Water system

Consulting Engineer L. Robert Kimball & Associates  
615 West Highland Avenue  
PO Box 1000  
Ebensburg, PA 15931

Permit to Construct February 15, 2012  
Issued

**Permit No. 1111513**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Ebensburg**  
300 West High Street  
Ebensburg, PA 15931

[Borough or Township] Ebensburg Borough

County **Cambria**

Type of Facility Water system

Consulting Engineer L. Robert Kimball & Associates  
615 West Highland Avenue  
PO Box 1000  
Ebensburg, PA 15931

Permit to Construct Issued February 15, 2012

**Permit No. 1111514**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Ebensburg**  
300 West High Street  
Ebensburg, PA 15931

[Borough or Township] Ebensburg Borough

County **Cambria**

Type of Facility Water system

Consulting Engineer L. Robert Kimball & Associates  
615 West Highland Avenue  
PO Box 1000  
Ebensburg, PA 15931

Permit to Construct Issued February 15, 2012

**Permit No. 1111515**, Public Water Supply.

Applicant **Municipal Authority of the Borough of Ebensburg**  
300 West High Street  
Ebensburg, PA 15931

[Borough or Township] Ebensburg Borough

County **Cambria**

Type of Facility Water system

Consulting Engineer L. Robert Kimball & Associates  
615 West Highland Avenue  
PO Box 1000  
Ebensburg, PA 15931

Permit to Construct Issued February 15, 2012

**Permit No. 5611508**, Public Water Supply.

Applicant **Somerset County General Authority**  
146 West Main Street  
Somerset, PA 15501

[Borough or Township] Somerset Township

County **Somerset**

Type of Facility Water system

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

Permit to Construct Issued January 20, 2012

**Permit No. 0211508MA, Minor Amendment.** Public Water Supply.

Applicant **Harmar Water Authority**  
200 Pearl Avenue  
Cheswick, PA 15024

[Borough or Township] Harmar Township

County **Allegheny**

Type of Facility Water storage tank

Consulting Engineer Gannett Fleming, Inc.  
Foster Plaza III, Suite 200  
601 Holiday Drive  
Pittsburgh, PA 15220

Permit to Construct Issued February 8, 2012

**Permit No. 5610511GWR, Minor Amendment.** Public Water Supply.

Applicant **Hidden Valley Utility Services, L.P.**  
One Craighead Drive  
PO Box 4420  
Hidden Valley, PA 15502

[Borough or Township] Hidden Valley

County **Somerset**

Type of Facility Water system

Consulting Engineer

Permit to Operate Issued February 8, 2012

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

Source Water Protection Plan Approval issued to the Ridgway Borough Water System, PO Box 149, 108 Main St, Ridgway, PA 15853, PWSID No. 6240012, Ridgway Borough, Elk County on February 28, 2011.

**Permit No. 2011503** Public Water Supply

Applicant **Linesville Borough Municipal Authority**

Township or Borough Linesville Borough

County **Crawford**

Type of Facility Public Water Supply

Consulting Engineer Robert L. Rabell, P.E.  
Rabell Surveying and Engineering  
10560 Walnut Street  
Albion, PA 16401

Permit to Construct Issued February 28, 2012

**Construction/Operation Permit** issued to **Robert L. and Wanda S. Braymer d/b/a Country Acres Mobile Home Park**, PWSID #6200023, East Mead Township, Crawford County, March 2, 2012, for the construction/operation of the use of Sodium Hypochlorite and Ferric

Chloride ahead of the Greens and Plus filtration units in lieu of Potassium Permanganate (KMN04) to aid in the removal of Arsenic. Construction and Operation authorized simultaneously under permit number 2007506-MA1 issued March 2, 2012.

**Emergency Operation Permit** issued to **Scenic Mobile Home Park, Inc.**, PWSID #6430001, Pymatuning Township, **Mercer County** on March 1, 2012. This permit is issued for the construction and operation of temporary storage and distribution facilities at Scenic Mobile Home Park. This permit expires on July 1, 2012 or when the facilities approved by Public Water Supply Construction Permit No. 4388506-MA1 are constructed and authorized for use via issuance of a Public Water Supply Operation Permit, whichever comes first.

**Operation Permit issued to Timbercrest Property, LLC d/b/a Timbercrest Apartments and Townhouses**, PWSID #6200066, Vernon Township, **Crawford County**. Permit Number 2008501-MA1, issued March 5, 2012 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:* Village of Heidlersburg, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Tyrone Township	5280 Old Harrisburg Rd York Springs, PA 17372-9554	Adams County

*Plan Description:* The approved plan provides for a new pump station, force main and sewage collection system tributary to the existing Walnut Grove Mobile Home Park sewage treatment plant to serve the existing 35 lots in the village of Heidlersburg. Tyrone Township will also take over, own, operate and maintain the Walnut Grove Mobile Home Park sewage treatment plant.

The name of the project is the "Official Act 537 Plan Special Study for the Village of Heidlersburg" and the DEP code # is B1-01930-ACT.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority or owner as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submis-

sion 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 and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Pike County Public Library**, 115 East Harford Street, Milford Borough, **Pike County**. Martin P. Gilgalon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Final Report on behalf of his client, Pike County Public Library, 201 Broad Street, Milford, PA 18337, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 2,000-gallon underground storage tank, which was discovered when constructing building footers/foundations for the new library. The report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in the *Pocono Record* on February 15, 2012.

**Simek Property**, 8923 Breinig Run Circle, Upper Macungie Township, **Lehigh County**. Tracy Termin, Lewis Environmental, Inc., P. O. Box 639, 155 Railroad Plaza, Royersford, PA 19468 has submitted a Final Report on behalf of her client, Frank Simek, 8923 Breinig Run Circle, Breinigville, PA 18031, concerning the remediation of soil found to have been impacted by kerosene as a result of a release from a 275-gallon aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Morning Call* on February 3, 2012.

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

**Green Meadows MHP**, Simone Residence, 349 Radio Road, Elizabethtown, PA 17022, Mount Joy Township, **Lancaster County**. Patriot Environmental Management, LLC, PO Box 629, Douglassville, PA 19517, on behalf of Shelly Oil Company, 325 Hershey Road, Green Meadows Associates, 113 South Market Street; and Tina Simone, 349 Radio Road, all of Elizabethtown, PA 17022, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Covenant Transport Group**, Porter Township, **Clinton County**. Northridge Group, Inc., on behalf of Covenant Transport Group submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl tertiary butyl ether for the property owned by Marvin Hagan located at 6390 Nittany Valley Drive, Mill Hall, Pa 17751. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Halliburton Energy Services, Inc.**, Clinton Township, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Halliburton Energy Services, Inc., 4 Girton Drive, Muncy, Pa 17756 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and motor oil. 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:

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

**Wells Fargo Property**, 2778 Old Post Road, North Whitehall Township, **Lehigh County**. David Crowther, BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064 submitted a Final Report on behalf of his client Wells Fargo Bank, NA, 8480 Stagecoach Circle, MAC X3800-03C, Frederick, MD 21701, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a non-regulated, 275-gallon aboveground storage tank due to a copper piping robbery. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on February 28, 2012. The report was originally submitted within 90 days of the release.

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

**Reyna Residential Property**, 135 Tuckahoe Road, Dillsburg, PA 17019, Franklin Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9307, on behalf of William and Susan Reyna, c/o Dusan Bratic, Esq., Bratic and Portko, 101 South US Route 15, Dillsburg, PA 17019 and Suburban Energy Services, PO Box 4833, Syracuse, NY 13221, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The Final Report demonstrated attainment of the Residential Statewide Health standard and was approved by the Department on March 2, 2012.

**Norfolk Southern—LORAM Diesel Release Area**, 3322 Industrial Road, Harrisburg, PA 17110, City of Harrisburg, **Dauphin County**. AECOM Technical Services, Inc. 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Norfolk Southern Railway Company, 4600 Deer Path Road, Suite 106, Rm. 148, Harrisburg, PA 17110, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Non-residential Statewide Health Standard, and was approved by the Department on March 5, 2012.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northeast Region: William Tomayko, Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit No. WMGR126NE002. Independent Refining Company, LLC**, 99 Stevens Lane, Exeter, PA 18643. A General Permit Determination of Applicability (DOA) approval, authorizing Independent Refining Company to process silver-bearing films and sludges through washing and calcining to recover silver under Residual Waste Permit WMGR126 at this facility located in Exeter Borough, **Luzerne County**. The Determination of Applicability was issued by the Regional Office on February 17, 2012.

Persons interested in reviewing the general permit may contact William Tomayko, Waste Management Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

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

**General Permit No. WMGR096SW003. Redevelopment Authority of Allegheny County**, 425 Sixth Avenue, Suite 800, Pittsburgh, PA 15219. A residual waste general permit for the beneficial use of regulated fill as defined in Guidance Document 258-2182-773 (Management of Fill) for use as construction material at the Carrie Furnace Redevelopment site in Rankin and Swissvale Boroughs, **Allegheny County**, was approved by the Regional Office on March 2, 2012.

Persons interested in reviewing the general permit may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

*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. WMGR083D009. Free Geek Penn**, 400 W. Main, St., Suite 6, PA 17522-1760. The general permit WMGR081D009 is for the processing (i.e., sizing, shaping, separating, and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the Free Geek Penn's facility, located in the Borough of Ephrata, **Lancaster County**. Central Office approved the determination of applicability on March 5, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box

69170, Harrisburg, PA 17106-9170, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### AIR QUALITY

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**GP3-06-03082: Berks Products Corp.**, (176 Berks Products Drive, Leesport, PA 19533) on February 21, 2012 for the continued operation of a nonmetallic mineral (sand and gravel) processing plant, under GP3, located in Maxatawny Township, **Berks County**.

**GP1-28-05027A: Chambersburg Hospital** (112 N. 7th Street, Chambersburg, PA 17201) on February 24, 2012 for a new natural gas/No. 2 oil-fired boiler rated at 20.4 mmBtu/hr, under GP1, at the Chambersburg Hospital, located in Chambersburg Borough, **Franklin County**.

**GP3-67-05098D: Kinsley Construction, Inc.** (2700 Water Street, York, PA 17405-2886) on March 1, 2012 for a portable cone crusher, under GP3, at the Penroc Quarry located in West Manchester Township, **York County**.

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

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

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

**46-0274A: Tegrant Diversified Brands, Inc.** (161 Corporate Drive, Montgomeryville, PA 18936) On February 28, 2012, for modification of an insulated shipping container manufacturing operation in Montgomery Township, **Montgomery County**. Tegrant Diversified Brands is a minor facility. The manufacturing process is a closed mold, rigid polyurethane foam molding operation which uses materials containing Volatile Organic Compounds. The modification consists of: switching to a different manufacturer of the raw materials (polyol resin and isocyanate), increase the amount of raw materials currently used, and to replace the mixing/injection equipment used to blend and inject the foam into the molds. Tegrant is requesting the increase of raw material usage because of future expected growth. Therefore, the company is also requesting an increase to the facility volatile organic emission limit from 6.5 tons per year (tpy) to 8.0 tpy. Best Available Technology (BAT) is applicable for this modification. BAT for this modification will be: reduction of clean up solvent used, more efficient injection equipment, and good housekeeping practices. The Plan Approval will include work practice standards, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-05077A: Can Corporation of America** (326 June Avenue, Blandon, PA 19510-0170) on February 27, 2012 for the installation and temporary operation of a new sheet coater (Source 108) to be controlled by an oxidizer, located in Maiden Creek Township, **Berks County**.

**67-05009C: York Plant Holding, LLC** (651 Memory Lane, York, PA 17402-0492) on February 29, 2012, for construction and temporary operation of two simple cycle combustion turbines at the facility located in Springettsbury Township, **York County**. The turbine project will also include the following equipment: a.) Two selective catalytic reduction (SCR) systems, b.) Two catalytic oxidizer systems, c.) One 300,000 gallon distillate fuel oil tank, and d.) One 15,000 gallon tank to hold a 19% solution of aqueous ammonia for the SCR system. Contact: Edward Wiener, Chief—Telephone: 215-685-9426

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

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

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

**46-0200B: John Middleton Company** (418 West Church Road, King of Prussia, PA 19406) On February 27, 2012, to operate a top dressing drum #2 in Upper Merion Township, **Montgomery County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**67-03162A: Church & Dwight Company, Inc.** (5197 Commerce Drive, York, PA 17408) on February 24, 2012 for the construction of a new cat litter manufacturing process at the facility located in Jackson Township, **York County**. The plan approval was extended.

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

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

**46-00041: Graphic Packaging International, Inc.** (1035 Longford Road, Phoenixville, PA 19460) On February 27, 2012, for renewal of the Title V Operating Permit in Upper Providence Township, **Montgomery County**. The current permit will expire on March 13, 2012. The facility's major emission points include printing presses containing Volatile Organic Compounds (VOCs). The facility is an area source for Hazardous Air Pollutants (HAP). There are no new sources at this facility; however, new source IDs have been added to the permit in order to address applicable regulations for existing sources. Source ID 741 has been added to Section A (Site Inventory) and

D (Source Level) to include the applicable presumptive RACT requirements and the applicable requirements of 40 CFR Part 63 Subpart ZZZZ. Source ID 902 has been created in order to incorporate the applicable provisions of 25 Pa. Code § 129.63 for existing degreasing operations. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 because there are no control devices on sources at this facility. The source is not a major source for Greenhouse Gases (GHG).

**09-00013: Wheelabrator Falls, Inc.** (1201 New Ford Mill Rd, Morrisville, PA 19067) On February 28, 2012, for a permit renewal to their Title V Operating Permit in Falls Township, **Bucks County**. The renewal Title V Operating Permit contains monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. No changes have taken place at the facility since the previous permit was amended and issued on 319-2009. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Section 64.2 (b)(1)(i). The facility is subject to the limitations found in 40 CFR 53, Subpart ZZZZ, Table 2C, which become applicable on May 3, 2013.

**46-00090: Tube Methods, Inc.** (416 Depot Street, Bridgeport, PA 19405) for renewal of the original Title V Operating Permit in Bridgeport Borough, **Montgomery County** which was issued on March 30, 2007, and amended on April 03, 2008. This proposed renewal of the Title V Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**07-05003: Norfolk Southern Railway Co.,** (200 N. 4th Avenue, Altoona, PA 16601-6702) on February 23, 2012 for the Juniata Locomotive Shop located in Logan Township, **Blair 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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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

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

**15-00090: NE OPCO—dba National Envelope.** (303 Eagleview Boulevard, Exton, PA 19341) On February 23, 2012, for operation of an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The permit is for a renewal of a non-Title V (State only) facility-wide air quality permit. Sources of air emissions include sixteen (16) flexographic printing presses and one (1) offset printing presses. Emissions of VOC are controlled through the use of aqueous-based inks and glues. The renewal permit will include monitoring, recordkeep-

ing and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00212: Allied Tube and Conduit Corp.** (600 Dean Sievers Place, Morrisville, PA 19067) On February 27, 2012, for operation of a tube manufacturing plant in Falls Township, **Bucks County**. The manufacturing processes consist of mechanically forming and welding steel stock into tubes, and painting the products, which result in the emissions of ammonia, Volatile Organic Compounds (VOCs), and metal fabrication Hazardous Air Pollutants (MFHAPs). The proposed operating permit is for a non-Title V (State Only), Natural Minor facility. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00252: Reading Material, Inc.—Sanatoga Asphalt Plant** (394 Sanatoga Road, Pottstown, PA 19446) On February 28, 2012, for a non-Title V Facility, State-Only, Natural Minor Operating Permit in Lower Pottsgrove Township, **Montgomery County**. The permit is for the operation of the crushing and screening and wet suppression equipment at their aggregate processing plant (quarry). This action is a renewal of the State Only Operating Permit. The initial permit was issued on 3-13-2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-05108: Bally Ribbon Mills** (23 N. 7th Street, Bally, PA 19503) on February 29, 2012 for the ribbon manufacturing facility located in Bally Borough, **Berks County**. The State-only permit was renewed.

**28-03028: New Enterprise Stone & Lime Co., Inc.** (PO Box 77, New Enterprise, PA 16664-0077) on February 28, 2012 for the Dry Run Quarry located in Fannett Township, **Franklin County**. The State-only permit was renewed.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**15-00137: Johnson Matthey, Inc.** (498 Acorn Lane, Downingtown, PA 19335) On February 28, 2012, located in Downingtown, **Chester County**. The permit is being amended to change the wording for a typographical error, from Synthetic Minor to Natural Minor. Also, additional minor typographical errors will be corrected. These corrections do not change any operating limits or emission limits in the operating permit. These corrections do not require the modifications of any other conditions in the current operating permit.

**46-00026: Global Packaging, Inc.** (209 Brower Ave. Oaks, PA 19456) On March 2, 2012, for its Upper Providence facility in Upper Providence Township, **Montgomery County**. The operating permit was administratively amended to incorporate the requirements of Plan Approval Nos. 46-0026E and 46-0026F. The amended operating permit contains the applicable regulatory requirements including monitoring, record-keeping, and emission limits.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**21-05055: The Frog, Switch & Manufacturing Company** (600 East High Street, Carlisle, PA 17013). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for the de minimis emissions increase of 0.008 TPY PM10 resulting from the construction of a new sand storage silo controlled by a bin vent filter at its plant located in Carlisle Borough, **Cumberland County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**30841317 and NPDES No. PA0213527, Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Enlow Fork Mine in Richhill and Morris Townships, **Greene County** and Morris, East Finley, and West Finley Townships, **Washington County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 14, 2010. Application received June 29, 2010. Permit issued February 28, 2012.

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

**11010102 and NPDES No. PA0249009. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA

15722, permit renewal for reclamation only of a bituminous surface mine in Reade Township, **Cambria County**, affecting 102.0 acres. Receiving stream(s): Fallentimber Run and Powell Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 1, 2011. Permit issued: February 24, 2012.

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

**33-11-16 and NPDES Permit No. PA0259152. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Proposal to enter into a Government Financed Construction Contract on a 32.2 acre site in Winslow Township, **Jefferson County**. The proposal includes the incidental removal of coal and the reclamation of 15.2 acres of abandoned deep mine and subsidence areas. Receiving streams: Fehley Run. Application received: September 1, 2011. Contract Issued: February 29, 2012.

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

**54753038R5. Lensco Corporation**, (6500 Tollgate, Zionsville, PA 18092), renewal of an existing anthracite surface mine operation for reclamation activities only in Cass Township, **Schuylkill County** affecting 67.2 acres, receiving stream: none. Application received June 7, 2011. Renewal issued February 28, 2012.

**54683045R5. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Butler, Union and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres, receiving stream: unnamed tributaries to Mahanoy Creek. Application received March 3, 2011. Renewal issued March 2, 2012.

**54683045GP104. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54683045 in Butler, Union and West Mahanoy Townships, **Schuylkill County**, receiving stream: unnamed tributaries to Mahanoy Creek. Application received July 21, 2011. Permit issued March 2, 2012.

**54-305-020GP12. BET Associates IV, LLC**, (250 Gibraltar Road, Horsham, PA 19044), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54733020 in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Boroughs, **Schuylkill and Carbon Counties**. Application received September 21, 2011. Permit issued March 5, 2012.

#### *Noncoal Permits Actions*

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

**30111002-GP104. Mountain Top Excavation, LLC** (21101 Route 19, Cranberry Township, PA 16066). General NPDES Permit for stormwater discharges associated with General Permit (GP-103) for Short-Term Construction Project in Franklin Township, **Greene County**. Receiving stream: Smith Creek. Application received November 11, 2011. Permit issued March 1, 2012

### ABANDONED MINE RECLAMATION PROJECT ACT 181 ONLY

*Pottsville District Mining Office: 5 West Laurel Blvd., Pottsville PA 17901, Telephone (570) 621-3466*

*Primary Bond Forfeiture  
Contract Awarded*

*PBF 54931302*

Location	Cass Township Schuylkill County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project Little Buck Mountain Mine
Contractor	Michael E. Heffron 5 Pine Lane Pottsville, PA 17901
Amount	\$5,000.00
Date of Award	March 1, 2012

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**08124114. Meshoppen Blasting, Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well site and access road located in Wilmot Township, **Bradford County**. Permit issued February 24, 2012. Permit expires July 31, 2012.

**08124115. Doug Wathen LLC** (11934 Fairway Lakes Drive, Suite 1, Fort Myers, FL 33913). Blasting for construction of a gas well pad located in Wilmot Township, **Bradford County**. Permit issued March 1, 2012. Permit expires February 28, 2013.

**14124002. CGG Veritas Land (US) Inc.** (1308 Commerce Park Drive, Williamsport, PA 17701). Seismic exploration blasting located in Liberty Township, **Centre County**. Permit issued February 24, 2012. Permit expires December 31, 2013.

**17124001. P & N Coal Co, Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Blasting on the Lower Slab Run GFCC 17-08-02 located in Sandy Township, **Clearfield County**. Permit issued February 23, 2012. Permit expires December 31, 2012 or end date of GFCC 17-08-02.

**18124001. CGG Veritas Land (US) Inc.** (1308 Commerce Park Drive, Williamsport, PA 17701). Seismic exploration blasting located in Bald Eagle, Beech Creek, Woodward, Dunnstable, Colebrook, Noyes, Grugan, Gallagher, Chapman Townships, **Clinton County**. Permit issued February 24, 2012. Permit expires December 31, 2013.

**59124101. Midstream Explosives, Inc.** (289 Southside Drive, Newville, PA 17241). Construction blasting for a pipeline located in Jackson, Rutland and Sullivan Townships, **Tioga County**. Permit issued March 1, 2012. Permit expires March 1, 2013.



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

**64124001. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Roger Swingle Horse Barn in Sterling Township, **Wayne County** with an expiration date of March 1, 2013. Permit issued: February 28, 2012.

**67124102. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Lexington Estates in Newberry Township, **York County** with an expiration date of February 24, 2013. Permit issued: February 28, 2012.

**66124104. Meshoppen Blasting, Inc.**, (PO Box 127, Meshoppen, PA 18630), construction blasting for Kuback Wind Farm in Eaton Township, **Wyoming County** with an expiration date of September 1, 2012. Permit issued: March 1, 2012.

### 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E6629-005. Chesapeake Appalachia, LLC.** 101 N. Main Street, Athens, PA 18810. EDF-DPH Temporary Waterlines, in Forkston, Mehoopany, and Windham Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain two 16-inch, aboveground, temporary waterlines impacting:

(1) 22 linear feet of Fox Hollow (CWF, MF), (Meshoppen, PA Quadrangle, Latitude: N41°33'39.4", Longitude: W76°06'40.2");

(2) 607 square feet of wetland (PEM), (Meshoppen, PA Quadrangle, Latitude: N41°33'34.2", Longitude: W76°06'49.3");

(3) 2507 square feet of wetland (PEM), (Meshoppen, PA Quadrangle, Latitude: N41°33'25.3", Longitude: W76°07'10.2");

(4) 1665 square feet of wetland (PEM), (Meshoppen, PA Quadrangle, Latitude: N41°33'23.4", Longitude: W76°07'13.2");

The project will result in 4779 square feet (0.11 acre) of temporary wetland impacts, and 22 linear feet of temporary channel impacts, all for the purpose of providing water for Marcellus Shale wellsite development.

**E4029-002: Chief Gathering LLC**, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Dallas Township, **Luzerne County**, ACOE Baltimore District. To construct and maintain:

1) a temporary road crossing impacting 1,894 square feet of a palustrine forested (PFO) wetland (Kingston, PA Quadrangle 41° 20' 51", -75° 56' 50");

2) a temporary road crossing impacting 7,346 square feet of a palustrine scrub shrub (PSS) wetland (Kingston, PA Quadrangle 41° 20' 54", -75° 56' 54");

3) a temporary road crossing impacting 10,320 square feet of a palustrine emergent (PEM) wetland (Kingston, PA Quadrangle 41° 20' 57", -75° 56' 54");

4) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 21,108 square feet of a palustrine forested (PFO1) wetland (Kingston, PA Quadrangle 41° 20' 59", -75° 56' 49");

5) a temporary road crossing using a 65 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 186 square feet of an unnamed tributary (UNT) to Trout Brook (CWF, MF) (Kingston, PA Quadrangle 41° 20' 58", -75° 56' 50");

6) a 24 inch natural gas pipeline impacting 183 lineal feet of a palustrine forested (PFO1) wetland (Kingston, PA Quadrangle 41° 21' 23", -75° 56' 56");

7) a 24 inch natural gas pipeline impacting 5 lineal feet of an unnamed tributary (UNT) to Toby Creek (CWF, MF) (Kingston, PA Quadrangle 41° 21' 26", -75° 56' 57");

8) a 24 inch natural gas pipeline impacting 364 lineal feet of a palustrine emergent, palustrine forested, palustrine scrub shrub (PEM1/PSS1/PFO1) wetland (Kingston, PA Quadrangle 41° 21' 29", -75° 56' 57");

9) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,892 square feet of a riparian scrub shrub (RP1SS6) wetland (Kingston, PA Quadrangle 41° 22' 05", -75° 57' 53");

10) a temporary road crossing using a 53 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 510 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 05", -75° 57' 53");

11) a temporary road crossing using a 144 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 656 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 14", -75° 58' 33");

12) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,315 square feet of a palustrine emergent (PEM1) wetland (Kingston, PA Quadrangle 41° 22' 14", -75° 58' 43");

13) a temporary road crossing using a 119 feet long, 13 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,001 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 12", -75° 58' 46");

14) a temporary road crossing using a 406 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,055 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 11", -75° 58' 53");

15) a temporary road crossing using a 117 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 963 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 20", -75° 59' 10");

16) a temporary road crossing using a 87 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 274 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 24", -75° 59' 11");

17) a 24 inch natural gas pipeline impacting 420 lineal feet of a palustrine forested (PFO1) wetland (Kingston, PA Quadrangle and Center Moreland, PA Quadrangle 41° 22' 29", -75° 59' 11");

18) a 24 inch natural gas pipeline impacting 62 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 25", -75° 59' 11");

19) a 24 inch natural gas pipeline impacting 7 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 28", -75° 59' 12");

20) a 24 inch natural gas pipeline impacting 4 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Kingston, PA Quadrangle 41° 22' 28", -75° 59' 12");

21) a 24 inch natural gas pipeline impacting 326 lineal feet of a palustrine emergent and palustrine scrub shrub (PEM1/PSS1) wetland (Kingston, PA Quadrangle 41° 22' 29", -75° 59' 11");

22) a 24 inch natural gas pipeline impacting 17 lineal feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 22' 32", -75° 59' 13");

23) a 24 inch natural gas pipeline impacting 338 lineal feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 05", -75° 59' 15");

24) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 569

square feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 08", -75° 59' 15");

25) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 4,520 square feet to a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 10", -75° 59' 16");

26) a temporary road crossing using a 128 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 552 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 10", -75° 59' 16");

27) a temporary road crossing using a 109 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 547 square feet to an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 19", -75° 59' 08");

28) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 6,132 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 23' 20", -75° 59' 08");

29) a temporary road crossing using a 118 feet long, 13 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 770 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 23", -75° 59' 08");

30) a temporary road crossing using a 395 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 1,232 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 28", -75° 58' 59");

31) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 730 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 23' 29", -75° 59' 01").

The Wyoming Pipeline project will gather natural gas from well sites located around Wyoming County and convey it to a meter station located in Dallas Township, Luzerne County; where it will enter the Williams Transco Natural Gas Transmission Line. The project will result in 2,451 linear feet (14,357 square feet) of temporary stream impacts and a total of 2.69 acres of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line, freshwater line, fiber optic cable, and associated access roadways. Wetland mitigation will occur at the Tunkhannock Viaduct Wetland Mitigation site (Factoryville, PA Quadrangle; Latitude: 41° 37' 18", Longitude: -75° 46' 15") in Nicholson Township, Wyoming County.

**E6629-003: Chief Gathering LLC**, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Washington, Lemon, Tunkhannock, Eaton and Monroe Townships, **Wyoming County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a 106 feet long, 18 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,777 square feet to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 28", -75° 58' 58");

2) a temporary road crossing using a 158 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 751 square feet of an unnamed tribu-

tary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 28", -75° 58' 57");

3) a temporary road crossing using a timber mat bridge impacting 455 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 23' 25", -75° 58' 57");

4) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 5,510 square feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 02");

5) a temporary road crossing using a 37 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 139 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 02");

6) a temporary road crossing using a 39 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 168 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 02");

7) a temporary road crossing using a 164 feet long, 25 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,663 square feet of Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 43", -75° 59' 03");

8) a temporary road crossing using a 78 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 324 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 23' 44", -75° 59' 03");

9) a temporary road crossing using a 106 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 280 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 08", -75° 59' 10");

10) a temporary road crossing using a 115 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 410 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 11", -75° 59' 12");

11) a temporary road crossing using a 104 feet long, 7 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 492 square feet of an ephemeral unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 11", -75° 59' 13");

12) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 36,964 square feet of a palustrine scrub shrub (PSS1) wetland (Center Moreland, PA Quadrangle 41° 24' 26", -75° 59' 22");

13) a temporary road crossing using a 112 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 753 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 25", -75° 59' 21");

14) a temporary road crossing using a 132 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 168 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 33", -75° 59' 19");

15) a temporary road crossing using a 49 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 147 square feet of an unnamed tribu-

tary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 46", -75° 59' 28");

16) a temporary road crossing using a 184 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,433 square feet of a unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 24' 48", -75° 59' 33");

17) a temporary road crossing using a 85 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 310 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 17", -76° 00' 04");

18) a temporary road crossing using a 105 feet long, 15 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,325 square feet of a unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 18", -76° 00' 07");

19) a temporary road crossing using a 91 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 150 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 19", -76° 00' 08");

20) a temporary road crossing using a 49 feet long, 4 feet wide timber mat bridge impacting 191 square feet of a unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 53", -76° 02' 19");

21) a temporary road crossing using a 39 feet long, 4 feet wide timber mat bridge impacting 163 square feet of a unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 28' 29", -76° 02' 21");

22) a temporary road crossing using a 101 feet long, 38 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 3,887 square feet of Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 26", -76° 00' 33");

23) a temporary road crossing using a 102 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 265 square feet of an unnamed tributary (UNT) to Leonard Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 24", -76° 00' 34");

24) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 25' 20", -76° 00' 39");

25) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 13,907 square feet of a palustrine forested (PFO1) wetland (Noxen, PA Quadrangle 41° 25' 15", -76° 01' 01");

26) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,976 square feet of a palustrine forested (RP1FO6) wetland (Noxen, PA Quadrangle 41° 25' 15", -76° 01' 19");

27) a temporary road crossing using a 275 feet long, 18 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,046 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 16", -76° 01' 19");

28) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 6,241 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 25' 13", -76° 01' 23");

29) a 24 inch natural gas pipeline impacting 102 lineal feet of Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 38", -76° 01' 37");

30) a temporary road crossing using a 49 feet long, 10 feet wide timber mat bridge impacting 414 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 38", -76° 01' 41");

31) a temporary road crossing using a 147 feet long, 17 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 3,716 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 46", -76° 01' 46");

32) a temporary road crossing using a 127 feet long, 11 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 563 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 47", -76° 01' 47");

33) a temporary road crossing using a 140 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 434 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 53", -76° 01' 58");

34) a temporary road crossing using a 138 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 812 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 56", -76° 02' 00");

35) a temporary road crossing using a 115 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 406 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 25' 57", -76° 02' 01");

36) a temporary road crossing using a 144 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 592 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 03", -76° 02' 07");

37) a temporary road crossing using a 116 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 352 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 03", -76° 02' 07");

38) a temporary road crossing using a timber mat bridge impacting 189 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 26' 05", -76° 02' 08");

39) a temporary road crossing using a 38 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 103 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 05", -76° 02' 10");

40) a temporary road crossing using a 164 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,157 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 41", -76° 02' 08");

41) a temporary road crossing using a 104 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 626 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 43", -76° 02' 09");

42) a temporary road crossing using a 122 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 664 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 45", -76° 02' 09");

43) a temporary road crossing using a 207 feet long, 10 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,004 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 51", -76° 02' 09");

44) a temporary road crossing using a 167 feet long, 25 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,536 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 58", -76° 02' 09");

45) a temporary road crossing using a 48 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 182 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 26' 59", -76° 02' 09");

46) a temporary road crossing using a 68 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 213 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 03", -76° 02' 09");

47) a temporary road crossing using a 219 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 416 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 03", -76° 02' 09");

48) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 10,983 square feet of a palustrine scrub shrub (PSS1) wetland (Noxen, PA Quadrangle 41° 27' 10", -76° 02' 10");

49) a temporary road crossing using a 291 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 695 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 10", -76° 02' 10");

50) a temporary road crossing using a 119 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,333 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 12", -76° 02' 10");

51) a temporary road crossing using a 795 feet long, 4 feet wide timber mat bridge impacting 671 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 22", -76° 01' 57");

52) a temporary road crossing using a timber mat bridge impacting 838 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 27' 23", -76° 02' 01");

53) a temporary road crossing using a 116 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 256 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA 41° 27' 23", -76° 02' 11");

54) a temporary road crossing using a 104 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 636 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 27", -76° 02' 12");

55) a temporary road crossing using a 129 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 713 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 30", -76° 02' 12");

56) a temporary road crossing using a 19 feet long, 3 feet wide timber mat bridge impacting 79 square feet of

an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 33", -76° 02' 06");

57) a temporary road crossing using a 111 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 388 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 32", -76° 02' 12");

58) a temporary road crossing using a 112 feet long, 11 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 730 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 35", -76° 02' 12");

59) a temporary road crossing using a timber mat bridge impacting 2,969 square feet of a palustrine emergent (PFO1) wetland (Noxen, PA Quadrangle 41° 27' 36", -76° 02' 06");

60) a temporary road crossing using a 37 feet long, 6 feet wide timber mat bridge impacting 199 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 39", -76° 02' 10");

61) a temporary road crossing using a timber mat bridge impacting 1,374 square feet of a palustrine forested (PEM1) wetland (Noxen, PA Quadrangle 41° 27' 39", -76° 02' 10");

62) a temporary road crossing using a 21 feet long timber mat bridge impacting 33 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 41", -76° 02' 14");

63) a temporary road crossing using a 84 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 488 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 44", -76° 02' 14");

64) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 13,787 square feet of palustrine forested (PFO) wetland (Noxen, PA Quadrangle 41° 27' 49", -76° 02' 19");

65) a temporary road crossing using a 139 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 376 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 49", -76° 02' 17");

66) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,140 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 27' 50", -76° 02' 20");

67) a temporary road crossing using a 375 feet long, 20 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 920 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 49", -76° 02' 18");

68) a temporary road crossing using a 105 feet long, 43 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 5,096 square feet to stream Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 52", -76° 02' 18");

69) a temporary road crossing using a 453 feet long, 11 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,319 square feet of an unnamed tributary (UNT) to Roaring Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 27' 54", -76° 02' 17");

70) a temporary road crossing using a timber mat bridge impacting 478 square feet of a palustrine forest (PFO1) wetland (Noxen, PA Quadrangle 41° 27' 56", -76° 02' 18");

71) a temporary road crossing using an 88 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 204 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 19", -76° 02' 23");

72) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,491 square feet of a palustrine forest (PFO) wetland (Noxen, PA Quadrangle 41° 28' 26", -76° 02' 26");

73) a temporary road crossing using a 490 feet long, 12 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,627 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 27", -76° 02' 26");

74) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,444 square feet of a palustrine forest (PFO) wetland (Noxen, PA Quadrangle 41° 28' 27", -76° 02' 28");

75) a temporary road crossing using a 157 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 662 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 29", -76° 02' 27");

76) a temporary road crossing using a 113 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 448 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 31", -76° 02' 28");

77) a temporary road crossing using a 122 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 301 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 33", -76° 02' 28");

78) a temporary road crossing using a 106 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 337 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 33", -76° 02' 28");

79) a temporary road crossing using a 54 feet long, 54 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 86 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 37", -76° 02' 27");

80) a temporary road crossing using a 35 feet long, 35 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 33 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 38", -76° 02' 27");

81) a temporary road crossing using a 120 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 116 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 39", -76° 02' 26");

82) a temporary road crossing using a 109 feet long, 15 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,571 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 41", -76° 02' 25");

83) a temporary road crossing using a 101 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 375 square feet of an unnamed tribu-

tary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 28' 54", -76° 02' 35");

84) a temporary road crossing using a 41 feet long, 1 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 41 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 02", -76° 02' 39");

85) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 606 square feet of a palustrine emergent (PEM) wetland (Noxen, PA Quadrangle 41° 29' 03", -76° 02' 39");

86) a temporary road crossing using a 3 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 10 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 05", -76° 02' 39");

87) a temporary road crossing using a 175 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 495 square feet of an unnamed tributary (UNT) to Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 08", -76° 02' 41");

88) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,104 square feet of a palustrine open water (POW) wetland (Noxen, PA Quadrangle 41° 29' 09", -76° 02' 41");

89) a temporary road crossing using a 102 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 796 square feet of Newton Run (CWF, MF) (Noxen, PA Quadrangle 41° 29' 27", -76° 02' 07");

90) a temporary road crossing using a 49 feet long, 6 feet wide timber mat bridge impacting 74 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 39", -76° 01' 22");

91) a temporary road crossing using a 162 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 361 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 46", -76° 00' 54");

92) a temporary road crossing using a 153 feet long, 39 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,933 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 46", -76° 00' 53");

93) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 26 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 43");

94) a temporary road crossing using a 169 feet long, 3 feet wide timber mat bridge impacting 486 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 35");

95) a temporary road crossing using a timber mat bridge impacting 550 square feet of a palustrine forested (PFO1) wetland (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 33");

96) a temporary road crossing using a 30 feet long, 2 feet wide timber mat bridge impacting 60 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 33");

97) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,327

square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 31");

98) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 3,517 square feet of a palustrine scrub shrub (PSS1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 31");

99) a temporary road crossing using a 10 feet long, 8 feet wide timber mat bridge impacting 79 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 44", -76° 00' 30");

100) a temporary road crossing using a 139 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 396 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 29");

101) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,983 square feet of a palustrine scrub shrub (PSS1) wetland (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 29");

102) a temporary road crossing using a 103 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 230 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 45", -76° 00' 27");

103) a temporary road crossing using a 101 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 406 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 23");

104) a temporary road crossing using a 113 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 489 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 47", -76° 00' 22");

105) a temporary road crossing using a 110 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 707 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 49", -76° 00' 19");

106) a temporary road crossing using a 108 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 257 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 17");

107) a temporary road crossing using a 128 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 523 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 15");

108) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,009 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 13");

109) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 3,962 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 11");

110) a temporary road crossing using a 28 feet long, 1 foot wide timber mat bridge and a 24 inch natural gas pipeline impacting 32 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 10");

111) a temporary road crossing using a 111 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 253 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 50", -76° 00' 10");

112) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 14,669 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 08");

113) a temporary road crossing using a 46 feet long, 2 feet wide timber mat bridge impacting 200 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 08");

114) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 2,495 square feet of a palustrine emergent (PEM1) wetland (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 05");

115) a temporary road crossing using a 93 feet long, 2 feet wide timber mat bridge impacting 292 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Noxen, PA Quadrangle 41° 29' 51", -76° 00' 03");

116) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 4,975 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 29' 51", -75° 59' 60");

117) a temporary road crossing using a 55 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 240 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 51", -75° 59' 57");

118) a temporary road crossing using a 111 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 550 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 05", -75° 59' 57");

119) a temporary road crossing using a 98 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 300 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 50", -75° 59' 56");

120) a temporary road crossing using a 281 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,580 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 51", -75° 59' 54");

121) a temporary road crossing using a timber mat bridge impacting 3,028 square feet of a palustrine forested (PFO1) wetland (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 53");

122) a temporary road crossing using an 86 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 213 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 52");

123) a temporary road crossing using a 139 feet long, 3 feet wide timber mat bridge impacting 355 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 51");

124) a temporary road crossing using a 120 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 428 square feet of an unnamed tribu-

tary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 52", -75° 59' 51");

125) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 8,730 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 29' 54", -75° 59' 48");

126) a temporary road crossing using a 41 feet long, 2 feet wide timber mat bridge impacting 117 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 54", -75° 59' 48");

127) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 150 square feet of a palustrine emergent (PEM1) wetland (Center Moreland, PA Quadrangle 41° 29' 58", -75° 59' 39");

128) a temporary road crossing using a 104 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 328 square feet of an unnamed tributary (UNT) to Bowman Run (HQ-CWF, MF) (Center Moreland, PA Quadrangle 41° 29' 57", -75° 59' 39");

129) a temporary road crossing using a 144 feet long, 4 feet wide timber mat bridge impacting 512 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 07", -75° 59' 19");

130) a temporary road crossing using a 108 feet long, 16 feet wide timber mat bridge impacting 596 square feet of Sugar Hollow Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 25", -75° 59' 09");

131) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,999 square feet of a palustrine emergent (PEM) wetland (Tunkhannock, PA Quadrangle 41° 30' 48", -75° 58' 44");

132) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 385 square feet of a palustrine emergent (PEM) wetland (Tunkhannock, PA Quadrangle 41° 30' 48", -75° 58' 44");

133) a temporary road crossing using a 106 feet long, 21 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,783 square feet of an unnamed tributary (UNT) to Benson Hollow (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 50", -75° 58' 27");

134) a temporary road crossing using a 426 feet long, 26 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 5,832 square feet of an unnamed tributary (UNT) to Benson Hollow (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 57", -75° 58' 27");

135) a temporary road crossing using a 106 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 432 square feet of an unnamed tributary (UNT) to Benson Hollow (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 30' 60", -75° 58' 27");

136) a temporary road crossing using a 465 feet long, 96 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,183 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 27", -75° 58' 22");

137) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,203 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 26", -75° 58' 22");

138) a temporary road crossing using a 109 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 403 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 31", -75° 58' 21");

139) a temporary road crossing using a 89 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 228 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 33", -75° 58' 22");

140) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 4,394 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 34", -75° 58' 20");

141) a temporary road crossing using a 114 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 458 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 34", -75° 58' 22");

142) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 2,835 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 36", -75° 58' 23");

143) a temporary road crossing using a 129 feet long, 7 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 727 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 38", -75° 58' 24");

144) a temporary road crossing using a 103 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 239 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 40", -75° 58' 25");

145) a temporary road crossing using a 103 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 391 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 44", -75° 58' 25");

146) a temporary road crossing using a 107 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 528 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 44", -75° 58' 25");

147) a temporary road crossing using a timber mat bridge impacting 888 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 31' 44", -75° 58' 24");

148) a temporary road crossing using a 52 feet long timber mat impacting 254 square feet of an unnamed tributary (UNT) to Bowman Creek (HQ-CWF, MF) (Tunkhannock, PA Quadrangle 41° 31' 49", -75° 58' 29");

149) a temporary road crossing using a 132 feet long, 6 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 637 square feet of an unnamed tributary (UNT) to Susquehanna River (CWF, MF) (Tunkhannock, PA Quadrangle 41° 32' 14", -75° 58' 32");

150) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 7,920 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 32' 17", -75° 58' 34");

151) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 9,347 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 32' 18", -75° 58' 33");

152) a 24 inch natural gas pipeline impacting 754 lineal feet of the Susquehanna River (CWF, MF) (Tunkhannock, PA Quadrangle 41° 32' 37", -75° 58' 31");

153) a temporary road crossing using a 143 feet long, 15 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 388 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 14", -75° 58' 03");

154) a temporary road crossing using a 104 feet long, 3 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,361 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 14", -75° 58' 03");

155) a temporary road crossing using a timber mat impacting 2,517 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 33' 23", -75° 57' 50");

156) a temporary road crossing using a 25 feet long timber mat impacting 45 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 23", -75° 57' 49");

157) a temporary road crossing using a 88 feet long timber mat bridge and a 24 inch natural gas pipeline impacting 1,131 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 20", -75° 57' 46");

158) a temporary road crossing using a 144 feet long, 27 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 2,819 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 33' 20", -75° 57' 46");

159) a temporary road crossing using a 45 feet long, 5 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 279 square feet of an unnamed tributary (UNT) to Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 05", -75° 57' 16");

160) a 24 inch natural gas pipeline impacting 303 lineal feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 34' 19", -75° 57' 07");

161) a 24 inch natural gas pipeline impacting 4 lineal feet of Swale Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 21", -75° 57' 06");

162) a temporary road crossing using a timber mat bridge impacting 1,428 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 34' 27", -75° 56' 58");

163) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 12 square feet of a palustrine scrub shrub (PSS1) wetland (Tunkhannock, PA Quadrangle 41° 34' 33", -75° 57' 02");

164) a 24 inch natural gas pipeline impacting 1221 lineal feet of a palustrine forested, palustrine scrub shrub, palustrine emergent (PFO1/PSS1/PEM1) wetland (Tunkhannock, PA Quadrangle 41° 34' 49", -75° 57' 02");

165) a 24 inch natural gas pipeline impacting 1176 lineal feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 40", -75° 57' 01");

166) a temporary road crossing using a 85 feet long timber mat impacting 239 square feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 56", -75° 57' 13");

167) a temporary road crossing using a 31 feet long timber mat impacting 222 square feet of an unnamed



tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 34' 56", -75° 57' 13");

168) a temporary road crossing using a timber mat bridge impacting 844 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 34' 57", -75° 57' 12");

169) a temporary road crossing using a timber mat bridge impacting 1,054 square feet of a palustrine scrub shrub (PSS1) wetland (Tunkhannock, PA Quadrangle 41° 34' 56", -75° 57' 13");

170) a temporary road crossing using a timber mat bridge impacting 16 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 34' 57", -75° 57' 15");

171) a 24 inch natural gas pipeline impacting 873 lineal feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 35' 14", -75° 57' 13");

172) a temporary road crossing using an 83 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 162 square feet of an unnamed tributary (UNT) to Kern Glen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 35' 26", -75° 57' 16");

173) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 10,314 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 35' 37", -75° 57' 43");

174) a temporary road crossing using a 95 feet long, 4 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 403 square feet of an unnamed tributary (UNT) to Taques Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 35' 36", -75° 57' 44");

175) a temporary road crossing using a 49 feet long, 2 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 89 square feet of an unnamed tributary (UNT) to Taques Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 35' 36", -75° 57' 58");

176) a permanent impact by the construction of a compressor station impacting 308 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 14", -75° 57' 43");

177) a permanent impact by the construction of a compressor station impacting 1,728 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 14", -75° 57' 46");

178) a permanent impact by the construction of a compressor station impacting 430 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 15", -75° 57' 51");

179) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 37,312 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 36' 19", -75° 57' 53");

180) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 857 square feet of a palustrine forested (PFO1) wetland (Tunkhannock, PA Quadrangle 41° 36' 29", -75° 57' 45");

181) a temporary road crossing using a 84 feet long, 8 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 657 square feet of an unnamed tributary (UNT) to Billings Mill Brook (CWF, MF) (Tunkhannock, PA Quadrangle 41° 36' 29", -75° 57' 43");

182) a temporary road crossing using a timber mat bridge and a 24 inch natural gas pipeline impacting 1,235 square feet of a palustrine emergent (PEM1) wetland (Tunkhannock, PA Quadrangle 41° 36' 58", -75° 57' 44");

183) a temporary road crossing using a 123 feet long, 9 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,010 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 36' 58", -75° 57' 43");

184) a 24 inch natural gas pipeline impacting 22 lineal feet of Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 14", -75° 57' 43");

185) a temporary road crossing using a 34 feet long, 2 feet wide timber mat bridge impacting 112 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 19", -75° 57' 28");

186) a temporary road crossing using a 24 feet long, 2 feet wide timber mat bridge impacting 91 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 18", -75° 57' 30");

187) a temporary road crossing using a 10 feet long, 2 feet wide timber mat bridge impacting 28 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 15", -75° 57' 34");

188) a temporary road crossing using a 136 feet long, 14 feet wide timber mat bridge and a 24 inch natural gas pipeline impacting 1,469 square feet of an unnamed tributary (UNT) to Meshoppen Creek (CWF, MF) (Tunkhannock, PA Quadrangle 41° 37' 23", -75° 57' 44").

The Wyoming Pipeline project will gather natural gas from well sites located around Wyoming County and convey it to a meter station located in Dallas Township, Luzerne County; where it will enter the Williams Transco Natural Gas Transmission Line. The project will result in 14,188 linear feet (76,005 square feet) of temporary stream impacts and a total of 3.34 acres of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line, freshwater line, fiber optic cable, and associated access roadways. Wetland mitigation will occur at the Tunkhannock Viaduct Wetland Mitigation site (Factoryville, PA Quadrangle; Latitude: 41° 37' 18", Longitude: -75° 46' 15") in Nicholson Township, Wyoming County.

**E4129-023: NFG Midstream Trout Run, LLC**, 6363 Main Street, Williamsville, N.Y. 14221, Gamble, Lewis, and McIntyre Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 18 inch culvert on an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 25 linear feet (Cogan Station Quadrangle 41°22'21" N 77°02'25" W),

(2) one 20 inch natural gas pipeline and 16 foot wide equipment matting across an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 53 linear feet; (Trout Run Quadrangle 41°22'54" N 77°03'09" W),

(3) one 20 inch natural gas pipeline and 16 foot wide equipment matting impacting 18910 square feet of a palustrine forested (PFO) wetland adjacent to Lycoming Creek (EV, MF) (Trout Run Quadrangle 41°22'55" N 77°03'08" W),

(4) one 20 inch natural gas pipeline and 16 foot wide equipment matting across an unnamed tributary to

Lycoming Creek (HQ-CWF, MF) impacting 110 linear feet (Trout Run Quadrangle 41°23'10" N 77°02'57" W),

(5) one 20 inch natural gas pipeline and temporary cofferdam across Lycoming Creek (EV, MF) impacting 182 linear feet (Trout Run Quadrangle 41°23'18" N 77°02'59" W),

(6) one 20 inch natural gas pipeline and 16 foot wide equipment matting across an unnamed tributary to Lycoming Creek (HQ-CWF, MF) impacting 60 linear feet (Trout Run Quadrangle 41°23'22" N 77°03'05" W),

(7) one 20 inch natural gas pipeline and 16 foot wide equipment matting impacting 1833 square feet of a palustrine emergent (PEM) wetland adjacent to Lycoming Creek (EV, MF) (Trout Run Quadrangle 41°23'22" N 77°03'06" W),

(8) one 8 inch natural gas pipeline, one 12 inch natural gas pipeline, one 16 inch waterline, and 32 foot wide equipment matting across an unnamed tributary to Fourmile Hollow (HQ-CWF, MF) impacting 92 linear feet (Trout Run Quadrangle 41°27'31" N 77°03'17" W).

The project will result in 522 linear feet of stream impacts and 0.48 acre of wetland impacts, all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E1429-001: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Curtin, Boggs, Snowshoe, and Burnside Townships, Centre County, ACOE Baltimore District.

To construct, operate, and maintain the Sproul Trunkline, which consists of: one 16 inch steel gas line, two 6 inch flex steel pipelines, two 6 inch flex steel waterlines, and one 14 inch waterline, with impacts as follows:

1) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 290.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe NE, PA Quadrangle, N41°08'24.13", W77°46'59.51");

2) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,224.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe NE, PA Quadrangle, N41°08'24.57", W77°46'56.29");

3) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 183.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe NE, PA Quadrangle, N41°08'22.74", W77°46'50.87");

4) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,320.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe NE, PA Quadrangle, N41°08'18.43", W77°46'47.41");

5) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 2,802.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe NE, PA Quadrangle, N41°08'18.41", W77°46'46.74");

6) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 452.0 square feet of a palustrine scrub shrub (PSS) wetland (Snow Shoe SE, PA Quadrangle, N41°07'28.92", W77°46'05.94");

7) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 432.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°07'27.70", W77°46'03.51");

8) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 691.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°07'16.16", W77°46'01.20");

9) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 100.0 linear feet and 7,110.0 square feet of Beech Creek (CWF, MF) (Snow Shoe SE, PA Quadrangle, N41°06'46.44", W77°46'08.89");

10) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 574.0 square feet of a spring seep (Snow Shoe SE, PA Quadrangle, N41°06'29.74", W77°46'19.65");

11) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 205.0 linear feet and 445.0 square feet of an unnamed tributary (UNT) to Hayes Run (EV, MF) (Snow Shoe SE, PA Quadrangle, N41°05'55.14", W77°46'39.13");

12) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 4,016.0 square feet of an EV palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°05'55.97", W77°46'40.70");

13) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,527.0 square feet of an EV palustrine open water (POW) wetland (Snow Shoe SE, PA Quadrangle, N41°05'54.48", W77°46'40.30");

14) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 413.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°05'13.05", W77°47'38.57");

15) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 256.0 square feet of a palustrine forested (PFO) wetland (Snow Shoe SE, PA Quadrangle, N41°05'06.95", W77°47'44.22");

16) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 139.0 linear feet and 1,030.0 square feet of an unnamed tributary (UNT) to Council Run (CWF, MF) (Snow Shoe SE, PA Quadrangle, N41°04'39.75", W77°48'15.50");

17) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 137.0 linear feet and 494.0 square feet of Council Run (CWF, MF) (Snow Shoe SE, PA Quadrangle, N41°04'16.67", W77°48'07.34");

18) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 421.0 square feet of a EV palustrine forested (PFO) wetland (Snow Shoe SE, PA Quadrangle, N41°04'17.59", W77°48'07.56");

19) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 544.0 square feet of a

palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°03'55.72", W77°48'41.34");

20) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 101.0 linear feet and 437.0 square feet of an unnamed tributary (UNT) to Council Run (CWF, MF) (Snow Shoe SE, PA Quadrangle, N41°03'57.27", W77°50'09.63");

21) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 525.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°03'54.67", W77°50'20.71");

22) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 429.0 square feet of a palustrine forested (PFO) wetland (Snow Shoe SE, PA Quadrangle, N41°03'54.67", W77°50'20.71");

23) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 334.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°03'54.99", W77°50'27.43");

24) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 503.0 square feet of a palustrine forested (PFO) wetland (Snow Shoe SE, PA Quadrangle, N41°03'54.99", W77°50'27.43");

25) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 471.0 square feet of an EV palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°03'55.84", W77°50'31.60");

26) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 1,649.0 square feet of an EV palustrine forested (PFO) wetland (Snow Shoe SE, PA Quadrangle, N41°03'55.84", W77°50'31.60");

27) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,954.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°04'11.14", W77°50'41.00");

28) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 968.0 square feet of an EV palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°04'16.42", W77°50'43.19");

29) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 7,644.0 square feet of an EV palustrine forested (PFO) wetland (Snow Shoe SE, PA Quadrangle, N41°04'16.42", W77°50'43.19");

30) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 1,190.0 square feet of an EV palustrine scrub shrub (PSS) wetland (Snow Shoe SE, PA Quadrangle, N41°04'16.42", W77°50'43.19");

31) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 193.0 square feet of a palustrine emergent (PEM) wetland (Snow Shoe SE, PA Quadrangle, N41°04'32.06", W77°50'48.22");

32) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching

with impacts to 5,695.0 square feet of a palustrine scrub shrub (PSS) wetland (Snow Shoe SE, PA Quadrangle, N41°05'37.06", W77°51'26.48");

33) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 156.0 linear feet and 7,823.0 square feet of Beech Creek (CWF, MF) (Snow Shoe SE, PA Quadrangle, N41°05'38.26", W77°51'25.01");

The project will result in the following: 5,455.0 square feet (0.13 acre) of temporary EV palustrine emergent wetland impacts; 10,905.0 square feet (0.25 acre) of temporary palustrine emergent wetland impacts; 1527.0 square feet (0.04 acre) of temporary EV palustrine open water impacts; 6885.0 square feet (0.16 acre) of permanent impacts to EV palustrine scrub shrub wetlands; 452.0 square feet (0.01 acre) of permanent impacts to palustrine scrub shrub wetlands; 9,714.0 square feet (0.22 acre) of permanent impacts to EV palustrine forested wetlands; 1,188.0 square feet (0.03 acre) of permanent impacts to palustrine forested wetlands; 838.0 linear feet of stream impacts; 17,339.0 square feet (0.40 acre) of stream impacts; and 574.0 square feet (0.04 acre) of impacts to a spring seep; all for the purpose of installing a natural gas line, two flex steel gas lines, two flex steel waterlines, a fresh waterline, and associated access roadways for the development of Marcellus Shale natural gas.

**E1829-001: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Grugan and Beech Creek Townships, **Clinton County**, ACOE Baltimore District.

To construct, operate, and maintain the Sproul Trunkline, which consists of: one 16 inch steel gas line, two 6 inch flex steel pipelines, two 6 inch flex steel waterlines, and one 14 inch waterline, with impacts as follows:

1) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 2,350.0 square feet of an EV palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°12'16.81", W77°38'13.63");

2) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 449.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°12'16.03", W77°38'17.33");

3) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 442.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°12'15.65", W77°38'17.84");

4) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 622.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°12'15.03", W77°38'18.60");

5) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,657.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°12'15.51", W77°38'18.66");

6) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 113.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°12'0.23", W77°38'49.07");

7) installation via boring with impacts to 168.0 linear feet and 2,700.0 square feet of East Branch Big Run (CWF, MF) (Howard NW, PA Quadrangle, N41°10'48.75", W77°43'22.38");

8) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 2788.0 square feet of an EV palustrine forested (PFO) wetland (Howard NW, PA Quadrangle, N41°10'46.91", W77°43'23.12");

9) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 20,856.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°10'41.94", W77°43'48.28");

10) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 996.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°10'36.20", W77°43'54.78");

11) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,142.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°10'35.05", W77°43'55.33");

12) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 291.0 square feet of a palustrine open water (POW) wetland (Howard NW, PA Quadrangle, N41°10'34.97", W77°43'55.93");

13) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,157.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°10'27.29", W77°44'41.49");

14) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 1,954.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°10'22.53", W77°44'50.11");

15) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 674.0 square feet of a palustrine emergent (PEM) wetland (Howard NW, PA Quadrangle, N41°10'16.92", W77°44'54.99");

16) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 122.0 linear feet and 2,957.0 square feet of Middle Branch Big Run (CWF, MF) (Snow Shoe NE, PA Quadrangle, N41°09'09.26", W77°46'06.14");

17) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 1,060.0 square feet of a palustrine forested (PFO) wetland (Snow Shoe NE, PA Quadrangle, N41°09'09", W77°46'06.");

18) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 12,406.0 square feet of an EV palustrine emergent (PEM) wetland (Snow Shoe NE, PA Quadrangle, N41°09'00.25", W77°46'36.09");

19) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 4,418.0 square feet of an EV palustrine forested (PFO) wetland (Snow Shoe NE, PA Quadrangle, N41°08'55.65", W77°46'40.33");

20) a temporary road crossing using a timber mat bridge and installation via open cut trenching with temporary impacts to 66.0 linear feet and 588.0 square feet of an unnamed tributary (UNT) to West Branch Big Run (EV, MF) (Snow Shoe NE, PA Quadrangle, N41°08'53.27", W77°46'42.24");

21) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with impacts to 705.0 square feet of an EV palustrine forested (PFO) wetland (Snow Shoe NE, PA Quadrangle, N41°08'47.94", W77°46'45.96");

22) a temporary road crossing using a timber mat bridge and permanent installation via open cut trenching with temporary impacts to 147.0 linear feet and 2,940.0 square feet of West Branch Big Run (EV, MF) (Snow Shoe NE, PA Quadrangle, N41°08'48.52", W77°46'47.09");

The project will result in the following: 14,756.0 square feet (0.34 acre) of temporary EV palustrine emergent wetland impacts; 30,062.0 square feet (0.69 acre) of temporary palustrine emergent wetland impacts; 291.0 square feet (0.01 acre) of temporary palustrine open water impacts; 7,911.0 square feet (0.18 acre) of permanent impacts to EV palustrine forested wetlands; 1,060.0 square feet (0.02 acre) of permanent impacts to palustrine forested wetlands; 503.0 linear feet of stream impacts; and 9,185.0 square feet (0.21 acre) of stream impacts all for the purpose of installing a natural gas line, two flex steel gas lines, two flex steel waterlines, a fresh waterline, and associated access roadways for the development of Marcellus Shale natural gas. A contingency plan utilizing temporary cofferdams may be utilized for bored crossings in the event an inadvertent return occurs during the boring operations.

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E22-580: Lykens Borough Authority**, 200 Main Street, Suite C, Lykens, Pennsylvania 17048, in Lykens Borough, **Dauphin County**, ACOE Not Applicable

To construct and maintain one 12.0-foot by 17.33-foot chemical feed building and located with the floodplain of Wiconisco Creek (WWF, MF), for the purpose of upgrading the wastewater treatment facility. The project is located on the west side of Arlington Street, between North 2nd Street and North Street, in Lykens Borough, Dauphin County (Latitude: 40°34'06.7", Longitude: -76°42'46.7").

**E28-369: William Brett, Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451, in Greene, Guilford, and Peters Townships, **Franklin County**, ACOE Baltimore District

To remove the existing 24.0-inch diameter gas pipeline and install and maintain a 36.0-inch diameter high-strength carbon steel gas pipeline in and across:

1) four unnamed tributaries to Conococheague Creek (CWF, MF); 2) Stump Run (CWF, MF); 3) an unnamed tributary to West Branch Conococheague Creek (TSF, MF); 4) seven wetland crossings in the Conococheague Creek Watershed, being 66.0, 45.0, 41.0, 100.0, 31.0, 395.0, and 140.0 feet long (Start: Chambersburg, PA Quadrangle, N: 3.09 inches, W: 2.47 inches; Latitude: 39°53'31.3", Longitude: -77°38'33.3"; End: Scotland, PA Quadrangle, N: 4.94 inches, W: 1.22 inches; Latitude: 39°54'8.0", Longitude: -77°30'31.2") in Greene, Guilford, and Peters Townships, Franklin County. The purpose of the project is to provide additional natural gas supply

diversity and security of supply. All impacts are temporary impacts and mitigation is not required.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-473. Central New York Oil & Gas Company, LLC**, 800 Robison Road, Owego, NY, 13827-6801. Water Obstruction and Encroachment Joint Permit, MARC-I Hub Line, in Wilmont & Wyalusing Townships, **Bradford County**, ACOE Baltimore District (Laceyville NW, PA

Quadrangle N: 41° 42' 15"; W: 76° 12' 58").

To construct, operate and maintain 13.5 miles of 30 inch natural gas pipeline within the North Branch Susquehanna River watersheds (Warm Water Fishery). Construction of the pipeline will require fifty-two (52) waterbody crossings. The project proposes to permanently impact 0.02 acre of forested wetland through conversion to a PEM/PSS wetland. See Table 1 for complete list of waterbody crossing, location and Chapter 93 Classification. The project is centered approximately 4 miles northeast of the village of Wyalusing in Bradford County.

Table 1

<i>Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Chapter 93 Designation</i>
Wetland	N 41°42'10.53"	W 076°12'56.92"	WWF
Wetland	N 41°41'58.29"	W 076°12'48.39"	WWF
UNT to Wyalusing Creek	N 41°41'58.29"	W 076°12'48.72"	WWF
UNT to Wyalusing Creek	N 41°40'37.03"	W 076°13'51.73"	WWF
Wetland	N 41°40'28.22"	W 076°14'2.71"	WWF
Wetland	N 41°40'10.47"	W 076°14'24.81"	WWF
Wetland	N 41°39'8.61"	W 076°15'10.98"	WWF
Susquehanna River—N Br	N 41°38'58.56"	W 076°15'19.15"	WWF
Wetland	N 41°38'51.7"	W 076°15'29.4"	CWF
Wetland	N 41°38'51.7"	W 076°15'29.4"	CWF
Wetland	N 41°38'52.9"	W 076°15'31.5"	CWF
UNT to Susquehanna River	N 41°38'51.2"	W 076°15'31.2"	CWF
UNT to Susquehanna River	N 41°38'51.2"	W 076°15'31.2"	CWF
UNT to Susquehanna River	N 41°38'39.7"	W 076°15'34.2"	CWF
UNT to Susquehanna River	N 41°38'24.4"	W 076°15'41.8"	CWF
UNT to Susquehanna River	N 41°38'24.4"	W 076°15'41.8"	CWF
UNT to Susquehanna River	N 41°38'24.4"	W 076°15'41.8"	CWF
UNT to Susquehanna River	N 41°38'24.4"	W 076°15'41.8"	CWF
UNT to Susquehanna River	N 41°38'24.4"	W 076°15'41.8"	CWF
UNT to Susquehanna River	N 41°38'22"	W 076°15'48"	CWF
UNT to Susquehanna River	N 41°38'22"	W 076°15'48"	CWF
UNT to Susquehanna River	N 41°38'21"	W 076°15'50"	CWF
UNT to Sugar Run	N 41°37'56.90"	W 076°16'13.79"	CWF
UNT to Sugar Run	N 41°37'56.06"	W 076°16'16.20"	CWF
UNT to Sugar Run	N 41°37'52.13"	W 076°16'27.61"	CWF
Wetland	N 41°37'51.87"	W 076°16'29.57"	CWF
UNT to Sugar Run	N 41°37'46.67"	W 076°16'43.02"	CWF
Sugar Run	N 41°37'46.47"	W 076°16'43.23"	CWF
Wetland	N 41°37'46.47"	W 076°16'43.23"	CWF
UNT to Sugar Run	N 41°37'46.47"	W 076°16'43.23"	CWF
UNT to Sugar Run	N 41°37'40.7"	W 076°17'11.7"	CWF
UNT to Sugar Run	N 41°37'33.6"	W 076°17'41.7"	CWF
Wetland	N 41°36'55.74"	W 076°18'4.58"	CWF
Foster Branch	N 41°36'42.83"	W 076°18'18.78"	CWF
Wetland	N 41°36'42.08"	W 076°18'19.52"	EV
Wetland	N 41°36'55.9"	W 076°18'37.8"	EV
Wetland	N 41°36'28.73"	W 076°18'49.43"	CWF

<i>Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Chapter 93 Designation</i>
Wetland	N 41°36'1.61"	W 076°19'16.65"	CWF
Wetland	N 41°35'42.54"	W 076°19'27.67"	EV
Foster Branch	N 41°35'40.55"	W 076°19'28.22"	CWF
Wetland	N 41°35'22.69"	W 076°19'38.41"	CWF
UNT to Foster Branch	N 41°35'13.34"	W 076°19'46.11"	CWF
Wetland	N 41°35'7.15"	W 076°19'51.12"	CWF
Wetland	N 41°34'56.50"	W 076°19'56.74"	EV
UNT to Foster Branch	N 41°34'55.66"	W 076°19'57.29"	CWF
UNT to Foster Branch	N 41°34'53.89"	W 076°19'58.26"	CWF
Wetland	N 41°33'54.45"	W 076°20'48.76"	CWF
UNT to N. Branch Mehoopany Creek	N 41°33'50.82"	W 076°20'50.93"	CWF
Wetland	N 41°33'49.98"	W 076°20'51.28"	CWF
Wetland	N 41°33'31.45"	W 076°21'0.24"	CWF
UNT to Bowman Creek	N 41°33'20.41"	W 076°21'4.99"	CWF
Wetland	N 41°33'19.46"	W 076°21'5.39"	CWF

**E18-464. PA DCNR Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105-8451. Equestrian Bridge, in East Keating Township, **Clinton County**, ACOE Baltimore District (Keating, PA Quadrangle N: 41°21'3.26"; W: -77°58'50.16).

To construct and maintain a fiberglass equestrian bridge having a 50-foot clear span, 6-foot wide deck, a 4-foot underclearance over the 19-foot wide stream channel of Smith's Branch of Cook's Run and the riparian Exceptional Value wetlands with 120 square feet of concrete sonotube bridge footers in the wetlands located 1 mile upstream from Cook's Run. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-469. John R. Cattoni**, 129 Crestmont Drive, Lock Haven, PA 17745-8469, in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 41°09'22"; W: 77°28'07").

To: 1) replace an existing at-grade above-low-water-level 12-foot by 80-foot macadam boat ramp, 2) install three 24-inch diameter concrete dock anchors in the elevated left flood plain, 3) replace existing lawn area

with three 10-foot by 40-foot clean gravel filled Stabili-grids for licensed road-worthy camper parking areas, 4) cut and fill a steep elevated left floodway terrace area measuring 125-feet long by 50 feet to a finished slope of 5 horizontal to 1 vertical to provide a safer slope for walking and mowing, located at the first lot on the left on Eden Lane. This permit was issued under Section 105.13(e) "Small Projects."

**E57-121. Central New York Oil & Gas Company, LLC**, 800 Robison Road, Owego, NY, 13827-6801. Water Obstruction and Encroachment Joint Permit, MARC-I Hub Line, in Cherry, Davidson & Laporte Townships, **Sullivan County**, ACOE Baltimore District (Colley, PA Quadrangle N: 41° 33' 2"; W: 76° 21' 11").

To construct, operate and maintain 22.5 miles of 30 inch diameter natural gas pipeline within the North and West Branch Susquehanna River watersheds (Warm Water Fishery). Construction of the pipeline will require ninety-eight (98) waterbody crossings. See Table 1 for complete list of waterbody crossing, location and Chapter 93 Classification. The project is centered approximately 3 miles north of the village of Dushore in Sullivan County.

Table 1

<i>Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Chapter 93 Designation</i>
UNT to Bowman Creek	N 41°33'2.52"	W 076°21'11.23"	CWF
UNT to Bowman Creek	N 41°32'57.63"	W 076°21'12.48"	CWF
UNT to Bowman Creek	N 41°32'56.36"	W 076°21'12.86"	CWF
Little Loyalsock Creek	N 41°32'5.27"	W 076°21'40.77"	CWF/EV
Wetland	N 41°31'55.32"	W 076°21'50.59"	CWF/EV
UNT to Little Loyalsock Creek	N 41°31'54.37"	W 076°21'51.53"	CWF/EV
UNT to Little Loyalsock Creek	N 41°31'21.37"	W 076°22'22.73"	CWF/EV
UNT to Little Loyalsock Creek	N 41°31'20.93"	W 076°22'23.14"	CWF/EV
Wetland	N 41°30'57.3"	W 076°22'55.8"	CWF/EV
UNT to Payne Run	N 41°30'53.4"	W 076°22'55.8"	CWF/EV

<i>Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Chapter 93 Designation</i>
Payne Run	N 41°30'53.00"	W 076°22'56.17"	CWF/EV
Wetland	N 41°29'22.32"	W 076°24'6.79"	EV
UNT to Birch Creek	N 41°29'18.15"	W 076°24'8.13"	CWF/EV
UNT to Birch Creek	N 41°29'16.22"	W 076°24'8.04"	CWF/EV
Wetland	N 41°29'13.83"	W 076°24'9.86"	CWF/EV
UNT to Birch Creek	N 41°29'14.52"	W 076°24'9.61"	CWF/EV
UNT to Birch Creek	N 41°29'7.65"	W 076°24'9.96"	CWF/EV
UNT to Birch Creek	N 41°29'0.21"	W 076°24'9.98"	CWF/EV
UNT to Birch Creek	N 41°28'57.85"	W 076°24'9.99"	CWF/EV
Wetland	N 41°28'52.33"	W 076°24'10.01"	CWF/EV
Wetland	N 41°28'52.08"	W 076°24'10.01"	CWF/EV
Wetland	N 41°28'50.71"	W 076°24'10.14"	CWF/EV
Wetland	N 41°28'48.51"	W 076°24'11.37"	CWF/EV
Wetland	N 41°28'47.85"	W 076°24'11.74"	CWF/EV
Wetland	N 41°28'32.31"	W 076°24'21.45"	CWF/EV
UNT to Birch Creek	N 41°28'23.57"	W 076°24'23.37"	CWF/EV
UNT to Birch Creek	N 41°28'22.17"	W 076°24'23.48"	CWF/EV
UNT to Birch Creek	N 41°28'22.01"	W 076°24'24.06"	CWF/EV
UNT to Birch Creek	N 41°28'20.88"	W 076°24'23.58"	CWF/EV
Birch Creek	N 41°28'18.37"	W 076°24'23.78"	CWF/EV
UNT to Birch Creek	N 41°28'2.09"	W 076°24'43.78"	CWF/EV
UNT to Birch Creek	N 41°28'1.63"	W 076°24'45.17"	CWF/EV
UNT to Birch Creek	N 41°28'0.66"	W 076°24'49.06"	CWF/EV
UNT to Birch Creek	N 41°28'0.37"	W 076°24'55.70"	CWF/EV
UNT to Loyalsock Creek	N 41°27'19.66"	W 076°26'9.25"	CWF/EV
UNT to Loyalsock Creek	N 41°27'11.24"	W 076°26'22.86"	CWF/EV
Loyalsock Creek	N 41°27'10.25"	W 076°26'24.53"	CWF/EV
UNT to Dutchman Run	N 41°26'16.91"	W 076°27'0.68"	CWF/EV
Wetland	N 41°25'0.63"	W 076°28'12.02"	CWF/EV
Conklin Run	N 41°25'2.21"	W 076°28'11.95"	CWF/EV
UNT to Conklin Run	N 41°25'0.26"	W 076°28'11.94"	CWF/EV
Elklick Run	N 41°24'15.30"	W 076°28'37.99"	EV
UNT to Elklick Run	N 41°24'14.24"	W 076°28'37.37"	EV
Wetland	N 41°24'11.61"	W 076°28'49.28"	EV
Wetland	N 41°24'10.07"	W 076°28'58.12"	EV
Wetland	N 41°24'9.11"	W 076°29'3.37"	HQ-CWF/EV
UNT to Deep Hollow Run	N 41°24'5.99"	W 076°29'9.30"	HQ-CWF/EV
Wetland	N 41°24'5.28"	W 076°29'10.67"	HQ-CWF/EV
UNT to Deep Hollow Run	N 41°23'58.59"	W 076°29'16.99"	HQ-CWF/EV
Wetland	N 41°23'54.77"	W 076°29'18.70"	HQ-CWF/EV
UNT to Deep Hollow Run	N 41°23'20.47"	W 076°29'39.69"	HQ-CWF/EV
Deep Hollow Run	N 41°22'41.32"	W 076°30'28.75"	HQ-CWF/EV
UNT to Deep Hollow Run	N 41°22'37.73"	W 076°30'38.81"	HQ-CWF/EV
UNT to Deep Hollow Run	N 41°22'35.37"	W 076°30'42.54"	HQ-CWF/EV
UNT to Deep Hollow Run	N 41°22'34.61"	W 076°30'43.73"	HQ-CWF/EV

<i>Waterbody</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Chapter 93 Designation</i>
Wetland	N 41°22'24.75"	W 076°30'58.63"	HQ-CWF/EV
Wetland	N 41°22'7.50"	W 076°31'30.44"	HQ-CWF
UNT to Muncy Creek	N 41°22'7.26"	W 076°31'34.23"	HQ-CWF
Wetland	N 41°21'54.78"	W 076°31'44.05"	HQ-CWF
Muncy Creek	N 41°21'18.53"	W 076°32'46.21"	CWF
UNT to Muncy Creek	N 41°21'18.24"	W 076°32'47.22"	HQ-CWF
UNT to Muncy Creek	N 41°20'44.46"	W 076°32'55.11"	HQ-CWF
UNT to Muncy Creek	N 41°20'32.27"	W 076°32'57.70"	HQ-CWF
UNT to Muncy Creek	N 41°20'25.07"	W 076°33'1.57"	HQ-CWF
UNT to Muncy Creek	N 41°20'20.94"	W 076°33'16.43"	HQ-CWF
UNT to Muncy Creek	N 41°20'20.46"	W 076°33'17.94"	HQ-CWF
Wetland	N 41°20'11.86"	W 076°33'42.41"	HQ-CWF
UNT to Muncy Creek	N 41°20'9.84"	W 076°33'43.97"	HQ-CWF
UNT to Muncy Creek	N 41°20'8.09"	W 076°33'46.25"	HQ-CWF
UNT to Muncy Creek	N 41°20'6.38"	W 076°33'48.68"	HQ-CWF
Wetland	N 41°20'2.03"	W 076°33'54.83"	HQ-CWF
Wetland	N 41°20'1.23"	W 076°33'56.30"	HQ-CWF
UNT to Muncy Creek	N 41°19'45.91"	W 076°34'10.39"	HQ-CWF
UNT to Muncy Creek	N 41°19'42.63"	W 076°34'10.32"	HQ-CWF
UNT to Muncy Creek	N 41°19'35.41"	W 076°34'10.18"	HQ-CWF
UNT to Muncy Creek	N 41°19'30.02"	W 076°34'10.08"	HQ-CWF
UNT to Beaver Run	N 41°19'19.21"	W 076°34'8.14"	CWF
Beaver Run	N 41°19'15.12"	W 076°34'7.13"	CWF
UNT to Beaver Run	N 41°19'10.13"	W 076°34'9.32"	CWF
Wetland	N 41°19'8.02"	W 076°34'9.59"	CWF
UNT to Beaver Run	N 41°19'8.27"	W 076°34'9.56"	CWF
UNT to Beaver Run	N 41°18'59.78"	W 076°34'10.77"	CWF
UNT to Beaver Run	N 41°18'58.55"	W 076°34'10.41"	CWF
Wetland	N 41°18'57.78"	W 076°34'9.96"	CWF
UNT to Beaver Run	N 41°18'54.88"	W 076°34'10.12"	CWF
UNT to Beaver Run	N 41°18'51.48"	W 076°34'13.02"	CWF
UNT to Beaver Run	N 41°18'50.39"	W 076°34'14.19"	CWF
UNT to Beaver Run	N 41°18'44.86"	W 076°34'18.88"	CWF
UNT to Beaver Run	N 41°18'42.16"	W 076°34'20.53"	CWF
UNT to Beaver Run	N 41°18'36.92"	W 076°34'23.19"	CWF
UNT to Beaver Run	N 41°18'36.59"	W 076°34'23.37"	CWF
Wetland	N 41°18'35.15"	W 076°34'24.07"	CWF
UNT to Beaver Run	N 41°18'35.38"	W 076°34'24.03"	CWF
UNT to Beaver Lake	N 41°18'31.27"	W 076°34'26.25"	CWF
UNT to Beaver Lake	N 41°18'27.58"	W 076°34'28.25"	CWF
UNT to Beaver Lake	N 41°18'28.05"	W 076°34'27.72"	CWF
UNT to Beaver Lake	N 41°18'24.87"	W 076°34'29.72"	CWF
UNT to Beaver Lake	N 41°18'24.13"	W 076°34'30.12"	CWF



*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E30-234. Consol Pennsylvania Coal Company LLC,** PO Box J, Claysville, PA 15323, Richill Township, **Greene County,** ACOE Pittsburgh District.

Has been given consent to do the following:

1. To abandon the existing 145 lf, 36" diameter, steel enclosure; to construct and maintain a new 122 lf, 36 in diameter, CMP enclosure and wingwalls (5 lf, on the upstream end) on an unnamed tributary (RSS-5) of Enlow Fork (WWF); to relocate and maintain 50 lf of an unnamed tributary (RSS-5) of Enlow Fork (WWF) and 40 lf of an unnamed tributary (RSS-5A) of Enlow Fork (WWF), upstream from the enclosure.

2. To maintain fill within 0.0114 acre of wetland, located on the banks of an unnamed tributary (RSS-5) of Enlow Fork (WWF).

3. To operate and maintain an existing 225 lf, 42 in diameter, CMP enclosure on an unnamed tributary (RSS-4) of Enlow Fork (WWF).

4. To operate and maintain 405 lf of an existing 440 lf, 84 in diameter, CMP enclosure on an unnamed tributary (RSS-3) of Enlow Fork (WWF), to construct, and maintain 50 lf of replacement /extension (spiral rib pipe) of said enclosure (and 13 lf of upstream wingwalls), making the total length of the structure 468 lf; to relocate and maintain 30 lf of an unnamed tributary (RSS-3) of Enlow Fork (WWF) upstream of the said enclosure (WWF).

5. To operate and maintain 187 lf of an existing 220 lf, 42 in diameter CMP enclosure on an unnamed tributary (RSS-2) of Enlow Fork (WWF), to construct, and maintain 55 lf of replacement /extension (spiral rib pipe) of said enclosure (and 8 lf of wingwall on the upstream end), making the total length of the structure 250 lf. To relocate and maintain 15 lf of an unnamed tributary (RSS-2) of Enlow Fork (WWF), upstream of the enclosure.

6. To operate and maintain 340 lf of an existing 355 lf, 42 in diameter, CMP enclosure on an unnamed tributary (RSS-8) of Enlow Fork (WWF), to construct, and maintain 37 lf of replacement /extension of said enclosure (spiral bib pipe) and 5 lf of upstream wingwalls, making the total length of the structure 382 lf. To relocate and maintain 35 lf of an unnamed tributary (RSS-8) of Enlow Fork (WWF) and 30lf of an unnamed tributary (RSS-8A) of Enlow Fork (WWF) upstream of the enclosure.

7. To operate and maintain 466 lf of an existing 483 lf, 84 in diameter, CMP enclosure on an unnamed tributary (RSS-7) of Enlow Fork (WWF), to construct, and maintain 40 lf of replacement /extension of said enclosure and 13 lf of upstream wingwall, making the total length of the structure 519 lf. To relocate and maintain 85 lf of an unnamed tributary (RSS-7) of Enlow Fork (WWF) and 45 lf of an unnamed tributary (RSS-7A) of Enlow Fork (WWF), upstream from the enclosure.

8. To operate and maintain a 113 lf, 30 in diameter, CMP enclosure on an unnamed tributary (RSS-6) of Enlow Fork (WWF).

9. To operate and maintain a spring drain on 28 lf of the headwaters of an unnamed tributary (RSS-11) of Enlow Fork (WWF).

10. To operate and maintain various outfalls along an unnamed tributary of Enlow Fork (WWF).

11. As mitigation for lost channel the applicant will construct, operate, and maintain 5 single log vanes, 3 root wads, 4 toewood structures (each is approximately 40 lf), approximately 60 lf of riprap streambank protection, six scour pools (each is approximately 20 lf), two high flow channels (each is approximately 180 lf), a forebay, and a meandering thalweg within and along approximately 1040 lf of an unnamed tributary of Enlow Fork (WWF). As mitigation for the wetland impacts, the applicant will construct, operate and maintain a 0.02 Acre wetland, adjacent to the stream mitigation area.

The project is located southeast of the Bailey Mine Complex in Richhill Township, Greene County (Wind Ridge, PA Quadrangle NW terminus N: 18.4 inches; W: 4.3 inches; Lat 39° 58' 31"; Long: 80° 24' 23"; SE terminus N: 15.7 inches; W: 0.1 inches; Lat: 39° 57' 36"; Long: 80° 22' 32")

**E65-936. Hempfield Township Supervisors,** 1132 Woodward Drive, Greensburg, PA 15601, Hempfield Township, **Westmoreland County,** ACOE Pittsburgh District.

Has been given consent to remove the existing structure; construct and maintain a twin cell, 13.5' wide, 6.5' high, 151' long box culvert, consisting of a baffled primary cell and an un-baffled secondary cell, conveying Slate Creek (WWF) under Township Road 398 (old route 30). The project is located in Hempfield Township, Westmoreland County, PA (Latrobe, PA Quadrangle: N: 8.9"; W: 16.9"; Latitude 40° 17' 55.6" and Longitude: 79° 29' 47.8"). To compensate for the stream impacts the applicant will provide tree planting for a distance of approximately 100 feet and stabilize the bank in various locations along an Unnamed Tributary to Jacks Run (WWF).

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

**E33-08-001, EQT Gathering, LLC,** 455 Racetrack Road, Suite 101, Washington, PA 15301 Frano Pipeline Project, in Snyder and Washington Townships, **Jefferson County,** Army Corps of Engineers Pittsburgh District (Falls Creek, PA Quadrangle N: 41° 13' 54"; W: 78° 47' 13").

The applicant proposes to construct and maintain approximately 16,400 feet of 6" diameter steel natural gas pipeline in Snyder and Washington Townships, Jefferson County. The proposed pipeline will connect a natural gas pad to an existing pipeline located approximately 1.0 mile south of Brockway, PA. The water obstructions and encroachments for the purpose of installing the natural gas gathering line are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A 6" diameter natural gas pipeline to be open trenched under an UNT to Curry Run (CWF) and a temporary crossing in an UNT to Curry Run (CWF) temporarily impacting 52 linear feet of channel.	N: 41°13'46.48" W: 78°47'50.00"

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
2	A 6" diameter natural gas pipeline to be bored under a UNT Rattlesnake Run (CWF) and 100 feet of palustrine emergent (PEM) EV wetland	N: 41°12'47.40" W: 78°47'51.47"
3	A 6" diameter natural gas pipeline to be bored under 30 feet of a palustrine emergent / forested (PEM/PFO) EV wetland.	N: 41°12'27.49" W: 78°47'43.15"
4	A 6" diameter natural gas pipeline to be bored under 110 feet of a palustrine emergent / scrub-shrub/forested (PEM/PSS/PFO) EV wetland.	N: 41°12'25.20" W: 78°47'43.15"
5	A 6" diameter natural gas pipeline to be bored under Rattlesnake Run (CWF)	N: 41°12'24.23" W: 78°47'42.78"
6	A 6" diameter natural gas pipeline to be bored under 40 feet of a palustrine emergent / scrub-shrub/forested (PEM/PSS/PFO) EV wetland.	N: 41°1'23.78" W: 78°47'42.65"
7	A temporary crossing of a palustrine emergent (PEM) wetland impacting 0.001 acre.	N: 41°12'20.11" W: 78°47'58.51"
8	A temporary crossing of a palustrine emergent (PEM) wetland impacting 0.001 acre.	N: 41°12'19.53" W: 78°47'57.25"
9	A 6" diameter natural gas pipeline to be installed by open trench and a temporary road crossing through a palustrine emergent (PEM) wetland impacting 0.078 acre.	N: 41°12'9.28" W: 78°47'24.65"
10	A 6" diameter natural gas pipeline to be installed by open trench under an UNT to Wolf Run (CWF) and a temporary road crossing in an UNT to Wolf Run (CWF) impacting 90 linear feet of channel	N: 41°11'52.53" W: 78°47'9.95"

The project will result in a total of 142 linear feet of temporary stream impacts and 0.080 acre of temporary wetland impacts.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

9/19/2011

ESCGP-1 No: ESX11-129-0032

Applicant Name: Chevron Appalachia LLC

Contact Person Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: Pa Zip Code: 15478

County: Westmoreland Township: South Huntingdon

Receiving Stream (s) And Classifications: UNT to Sewickley Creek WWF/Youghiogheny River Basin WWF, Other

2/9/2012

ESCGP-1 No.: ESX12-129-0002

Applicant Name: WPX Energy Appalachia LLC

Contact Person: David Freudenrich

Address: 1000 Town Center Suite 130

City: Canonsburg State: Pa Zip Code: 15317

County: Westmoreland Township(s): Cook

Receiving Stream(s) and Classifications: UNT to Keffer Run/Ohio River Watershed TSF, UNT to Fourmile Run/Ohio River Watershed TSF, ATW Other TSF and Other ATW (Approved Trout Water)

1/5/2012

ESCGP-1 No.: ESX11-059-0045 Major Revision

Applicant Name: Energy Corporation of America

Contact Person: Mark Fry

Address: 1380 Route 286 Highway East Suite 221

City: Indiana State: PA Zip Code: 15701

County: Greene Township(s): Cumberland

Receiving Stream(s) and Classifications: UNT to South Branch Muddy Creek/muddy Creek WWF

1/31/2012

ESCGP-1 No.: ESX11-125-0052 Major Revision

Applicant Name: Range Resources—Appalachia LLC

Contact Person: Glenn Truzzi  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Charlers  
 Receiving Stream(s) and Classifications: UNT to Plum  
 Run/Chartiers Creek Watershed Other

01/23/2012

ESCGP-1 No.: ESX10-125-0069 Major Revision  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC

Contact Person: Rick Lowry  
 Address: 824 Morganza Road  
 City: Canonsburg State: PA Zip Code: 15312  
 COUNTY Washington Township(s): Blaine, Buffalo  
 Receiving Stream(s) and Classifications: UNT to Buffalo  
 Creek UNT to Wolf Run, HQ

11/29/2011

ESCGP-1 No.: ESX11-059-0072  
 Applicant Name: Caiman Gas Gathering LLC

Contact Person: Stephen Skellie  
 Address: 5949 Sherry Lane Suite 1300  
 City: Dallas State: TX Zip Code: 75225  
 County: Greene Township(s): Franklin  
 Receiving Stream(s) and Classifications: UNTs to South  
 Fork Ten Mile & UNTs to Grimes Run, Other

01/23/2012

ESCGP-1 No.: ESX12-125-0012  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC

Contact Person: Rick Lowry  
 Address: 824 Morganza Road  
 City: Canonsburg State: PA Zip Code 15317  
 County: Washington Township(s): Mt Pleasant  
 Receiving Stream(s) and Classifications: Cherry Run  
 WWF, UNTs to Cherry Run WW, UNTs to Robinson  
 Run WWF, and UNTs to Raccoon Creek WWF, Other  
*Eastern Region: Oil & Gas Management Program Man-  
 ager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-015-0046

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) Corbin Creek,  
 UNT to Corbin Creek, Dewing Creek, UNT to Dewing  
 Creek (CWF-MF)

ESCGP-1 # ESX12-113-0013

Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan County  
 Township(s) Elkland Township  
 Receiving Stream(s) and Classification(s) Drains to a  
 UNT to Elk Creek (EV), Loyalsock Watershed;  
 Secondary: Elk Creek (EV)

ESCGP-1 # ESX12-117-0018

Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga County  
 Township(s) Bloss Township  
 Receiving Stream(s) and Classification(s) Flower Run,  
 UNT to Sawmill Creek (CWF/MF);  
 Secondary: Johnson Creek (CWF/MF)

ESCGP-1 # ESX12-015-0032

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) Smithfield Township  
 Receiving Stream(s) and Classification(s) UNT to Brown's  
 Creek, Deerlick Creek (WWF/MF);  
 Secondary: Sugar Creek (WWF/MF)

ESCGP-1 # ESX12-115-0019

Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Coraopolis, PA 15108-4310  
 County Susquehanna County  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) Thomas Creek/  
 Upper Susquehanna-Tunkhannock Watershed

ESCGP-1 # ESX12-015-0034

Applicant Name Southwestern Energy Production  
 Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Bradford County  
 Township(s) Orwell Township  
 Receiving Stream(s) and Classification(s) South Creek,  
 Johnson Creek (CWF);  
 Secondary: Johnson Creek, Wysox Creek (CWF)

ESCGP-1 # ESX12-015-0031

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) Athens and Litchfield Townships  
 Receiving Stream(s) and Classification(s) Satterlee (CWF/  
 MF), UNT Susquehanna River and Mallory Creek  
 (WWF/MF)

ESCGP-1 # ESX12-033-0008

Applicant Name Northeast Natural Energy, Suite 1400  
 Contact Person Brett Lofflin  
 Address 707 Virginia Street  
 City, State, Zip Charleston, WV 25301  
 County Clearfield County  
 Township(s) Graham Township  
 Receiving Stream(s) and Classification(s) UNT to Browns  
 Run, UNT to Alder Run;  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-081-0021

Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Mary Patton  
 Address 100 Throckmorton Street  
 City, State, Zip Fort Worth, TX 76102  
 County Lycoming County  
 Township(s) Anthony Township  
 Receiving Stream(s) and Classification(s) Larry's Creek  
 and UNT to Larry's Creek / Antes-Lycoming Creeks  
 (EV);  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-117-0016

Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County

Township(s) Delmar and Shippen Townships  
Receiving Stream(s) and Classification(s) UNT Stony Fork

ESCGP-1 # ESX11-081-0104 (01)  
Applicant Name PVR Marcellus Gas Gathering LLC  
Contact Person Kevin Roberts  
Address 25 W. Thirds Street, 100 Penn Tower, Suite 201-202

City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) UNT to Roaring Run, Larry's Creek Watershed, Hoagland Run Watershed (HQ-EV)

ESCGP-1 # ESX12-015-0036  
Applicant Name EOG Resources Inc.  
Contact Person Jon Jorgenson  
Address 2039 South Sixth Street  
City, State, Zip Indiana, PA 15701  
County Bradford County  
Township(s) Smithfield Township  
Receiving Stream(s) and Classification(s) Apple Creek; Secondary: Buck Creek

ESCGP-1 # ESX11-115-0174  
Applicant Name Williams Field Services Company, LLC  
Contact Person Kristy Flavin  
Address 1605 Coraopolis Heights Road  
City, State, Zip Coraopolis, PA 15108-4310  
County Susquehanna County  
Township(s) Springville, Dimock, Bridgewater and Brooklyn Townships  
Receiving Stream(s) and Classification(s) Meshoppen, White and Stevens Creeks; Upper Susquehanna-Tunkhannock Watershed

ESCGP-1 # ESX12-115-0007  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Apolacou Township  
Receiving Stream(s) and Classification(s) UNT to Bow Bridge Creek (HQ-CWF/MF), Apalachin Creek (CWF/MF)

ESCGP-1 # ESX12-015-0030  
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) Albany Township  
Receiving Stream(s) and Classification(s) UNT to French Creek (CWF);  
Secondary: South Branch Towanda Creek (CWF)

ESCGP-1 # ESX12-081-0020  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Mary Patton  
Address 100 Throckmorton Street  
City, State, Zip Fort Worth, TX 76102  
County Lycoming County  
Township(s) Lewis Township  
Receiving Stream(s) and Classification(s) Daugherty Run, UNT to Daugherty Run, & UNT to Hoagland Run/Antes-Lycoming Creeks;  
Secondary: Lycoming Creek

ESCGP-1 # ESX11-115-0172 (01)  
Applicant Name Williams Field Services Company, LLC

Contact Person Kristy Flavin  
Address 1605 Coraopolis Heights Road  
City, State, Zip Coraopolis, PA 15108-4310  
County Susquehanna County  
Township(s) Springville Township  
Receiving Stream(s) and Classification(s) Thomas, North Branch of Meshoppen and Meshoppen Creeks, Including UNT to those creeks/Tunkhannock Watershed

ESCGP-1 # ESX12-115-0003  
Applicant Name WPX Energy Appalachia, LLC  
Contact Person David Freudenrich  
Address 1000 Town Center Way, Suite 130  
City, State, Zip Canonsburg, PA 15317  
County Susquehanna County  
Township(s) Liberty and Great Bend Townships  
Receiving Stream(s) and Classification(s) Susquehanna River (WWF, MF) (Upper Susquehanna River Watershed)/UNT 31958 to Susquehanna River/UNT 31971 to Susquehanna River (CWF, MF);  
Secondary: Susquehanna River (WWF, MF)

ESCGP-1 # ESX11-115-0192  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) UNT to Tunkhannock Creek (CWF);  
Secondary: Tunkhannock Creek (CWF)

ESCGP-1 # ESX11-115-0202  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Lenox Townships  
Receiving Stream(s) and Classification(s) East branch Tunkhannock Creek (CWF/EV);  
Secondary: Tunkhannock Creek (TSF)

ESCGP-1 # ESX12-115-0023  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Pike and Middletown Townships  
Receiving Stream(s) and Classification(s) Gaylord Creek (CWF-MF), Ross Creek (CWF-MF), North Branch Wyalusing Creek (CWF-MF)

ESCGP-1 # ESX12-113-0012  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Sullivan County  
Township(s) Forks Township  
Receiving Stream(s) and Classification(s) Big Bottom Run, UNT to Big Bottom Run (EV)/Loyalsock Creek Watershed;  
Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX11-115-0196  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna County  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) Tunkhannock  
 Creek Basin, Sub watersheds: Butler Creek (Tunkhan-  
 nock Creek Basin from UNT 29200 confluence to East  
 Branch Tunkhannock Creek) and an UNT (Tunkhan-  
 nock Creek Basin, Source to the confluence with UNT  
 29200);  
 Secondary: Susquehanna River

ESCGP-1 # ESX12-033-0009  
 Applicant Name Northeast Natural Energy, Suite 1400  
 Contact Person Brett Lofflin  
 Address 707 Virginia Street  
 City, State, Zip Charleston, WV 25301  
 County Clearfield County  
 Township(s) Cooper Township  
 Receiving Stream(s) and Classification(s) UNT to Browns  
 Run;  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-081-0028  
 Applicant Name Anadarko Marcellus Midstream  
 Contact Person Nathan S. Bennett  
 Address 33 W. Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Cold Spring  
 Hollow, Larry's Creek, Long Run,  
 Second Fork Larry's Creek, Thompson Hollow (EV)  
*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*  
 ESCGP-1 #ESX12-065-0047-Kennedy Project  
 Applicant EQT Production Company  
 Contact Timothy Botsford  
 Address 455 Racetrack Road, Suite 101  
 City Washington State PA Zip Code 15301  
 County Jefferson Township(s) Perry and Oliver(s)  
 Receiving Stream(s) and Classification(s) McCracken Run  
 CWF/Red Bank Water Shed

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of February 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562	Testing
William Cairnes	P. O. Box 101 Auburn, PA 17922	Testing & Mitigation
Fred Chappell	94 Chappell Lane Mill Hall, PA 17751	Mitigation
David Eldred	94 Chappell Lane Mill Hall, PA 17751	Mitigation
Idrees Fareed	1260 Woodland Avenue MSA5 Springfield, PA 19064	Testing & Mitigation
Nathan Feldwieser	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Jeffrey Finken	2517 Treeline Drive Easton, PA 18040	Mitigation
Mark Garland	5970 West Webb Road Mineral Ridge, OH 44440	Testing
Gregory Hancock	147 Mountainstone Trail Lock Haven, PA 17745	Testing
Joseph Kelly	12 Chapel Drive Box 156 Virginville, PA 19564	Testing
Joseph Kelly, III	P. O. Box 15811 Pittsburgh, PA 15244	Testing
Robert Scott Klein	206 Hunting Creek Road Canonsburg, PA 15317	Testing
Mark Long	P. O. Box 495 Thurmont, MD 21788	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Thomas O'Connor	8620 Rochester Road Pittsburgh, PA 15237	Testing
RSSI	6312 North Oakton Street Morton Grove, IL 60053	Laboratory Analysis
Realty Inspection Services	770 State Route 307 Suite 101 Springbrook Twp., PA 18444	Testing
Kathleen Remsnyder	3544 North Progress Avenue Suite 200 Harrisburg, PA 17110	Testing
Jeffrey Schlaline Absolute Radon Mitigation	800 Locust Grove Road York, PA 17402	Mitigation
Igor Smetaniuk	P. O. Box 300 Glen Spey, NY 12737	Testing
Jerry Smith	17129 Lappans Road Hagerstown, MD 21740	Testing
Frederick A. Wedman Moyer Indoor Outdoor	P. O. Box 64198 Souderton, PA 18964	Mitigation
Thomas Wilson	P. O. Box 9 Mingoville, PA 16856	Mitigation
Matthew Winslow	51 Sugar Maple Road Barto, PA 19504	Mitigation

**Categorical Exclusion**

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

*Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Galeton Municipal Authority	P. O. Box 222 Galeton, PA 16922	Potter County

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Galeton Municipal Authority proposes to upgrade the air blower system to improve the treatment process and reduce energy consumption. The upgrade will involve changing from coarse bubble diffusers and centrifugal blowers to fine bubble diffusers and positive displacement blowers with variable frequency drives. A new building will be constructed to house the blowers and installation of new scraper assemblies and weirs in the clarifiers will be performed. The Department's review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

**Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103**

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

**30111002. Mountain Top Excavation, LLC** (21101 Route 19, Cranberry Township, PA 16066). Authorization to extract stone in Franklin Township, **Greene County** to construct an access road and construction pad for Cumberland Coal Airshaft #10 project. Receiving stream: Smith Creek. Authorization approved March 1, 2012

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Cedar Spring Run Watershed in Juniata County Pennsylvania**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Cedar Spring Run Watershed in Juniata County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Cedar Spring Run Watershed. The sediment loadings were allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

## Summary of TMDL Based Load Reductions in the Cedar Spring Run Watershed

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	2,040,000	5,589	1,872,614	5,131	8.2%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact: Scott N. Heidel, Water Program Specialist, Department of Environmental Protection, 400 Market Street, Harrisburg, PA 17105, 717-787-1421, [scheidel@pa.gov](mailto:scheidel@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the PA bulletin. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 12-491. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### Rescission of Technical Guidance

DEP ID: 563-2112-224. Title: Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially Used at Mines. Description: Title 25 Pa. Code Chapter 290 (relating to beneficial use of coal ash) became effective on December 11, 2010. The coal ash regulations have superseded the previously listed guidance document and rendered it obsolete. Contact: Questions regarding the rescission of this document should be directed to Keith Brady, Bureau of Mining Programs, Rachel Carson State Office Building, P. O. Box 8461, Harrisburg, PA 17105-8461, [kbrady@pa.gov](mailto:kbrady@pa.gov) or (717) 787-4814.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 563-2112-225. Title: Mine Site Approval for the Beneficial Use of Coal Ash. Description: Title 25 Pa. Code Chapter 290 (relating to beneficial use of coal ash) became effective on December 11, 2010. The coal

ash regulations have superseded the previously listed guidance document and rendered it obsolete. Contact: Questions regarding the rescission of this document should be directed to Keith Brady, Bureau of Mining Programs, Rachel Carson State Office Building, P. O. Box 8461, Harrisburg, PA 17105-8461, [kbrady@pa.gov](mailto:kbrady@pa.gov) or (717) 787-4814.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-492. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Control Measures under Consideration by the Ozone Transport Commission; Public Comment Period

The Department of Environmental Protection (Department) is seeking comments on control measures under consideration by the Ozone Transport Commission (Commission) for the attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS). This public comment period is consistent with section 7.4 of the Air Pollution Control Act (35 P. S. § 4007.4), which requires an opportunity for public review and comment of recommendations for additional control measures prior to final action by the Commission.

The Commission, a multi-state organization created under sections 176A and 184 of the Clean Air Act (42 U.S.C.A. §§ 7506a and 7511c), is authorized to develop recommendations for additional control measures to mitigate the transport of ozone and its precursors in the Ozone Transport Region (OTR) established by operation of law. In addition to the Commonwealth, OTR is comprised of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, northern Virginia and the District of Columbia.

The Commission has issued a charge to the mobile, stationary and area source and modeling committees to identify control measures and develop model rules, if necessary, for consideration by the Commission to reduce ozone and its precursors, volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>). The Commission may consider final action during its annual meeting on May

24, 2012. The adoption of memoranda of understanding, resolutions or other actions would commit the signatory states to pursue the adoption and implementation of the following control measures:

- Updated controls to reduce VOCs from consumer products
- Updated controls to reduce VOCs from industrial degreasing operations
- Limits on idling of nonroad diesel vehicles and equipment to reduce NO<sub>x</sub>

The Commission is also conducting a public comment period on potential control measures. The Department will also review stakeholder comments submitted to the Commission on the proposed measures and will also consider those comments prior to final Commission action on the proposed control measures.

Materials describing the potential control measures can be found on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), choose "Air Quality." Additional materials can be found at the commission web site, [www.otcair.org](http://www.otcair.org), choose "Meetings."

Written comments should be sent to Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [ashulman@pa.gov](mailto:ashulman@pa.gov) and must be received by April 18, 2012. The Department will consider and retain all comments, but will not prepare a comment and response document.

Adoption by the commission of any of the NO<sub>x</sub> and VOC measures is considered a commitment by signatory states to pursue legislative or regulatory action to adopt and implement these measures. Any control measure proposed for promulgation in this Commonwealth would be subject to the Commonwealth's notice and comment rulemaking process under the act of July 31, 1968 (P.L. 769, No. 240) (45 P. S. §§ 1102—1208), known as the Commonwealth Documents Law, Regulatory Review Act (71 P. S. §§ 745.1—745.12) and Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-493. Filed for public inspection March 16, 2012, 9:00 a.m.]

### National Pollutant Discharge Elimination System Vessel General Permits

In a letter dated December 9, 2011, the United States Environmental Protection Agency (EPA) requested that the Department of Environmental Protection (Department) make a written determination regarding certification under section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341) with respect to two Draft National Pollutant Discharge Elimination System General Permits issued by the EPA, which are scheduled for publication as final General Permits in 2013. The Draft General Permits are the Vessel General Permit (VGP) and Small Vessel General Permit (sVGP). Notice of these Draft General Permits was published at 73 FR 76716 (December 8, 2011). The proposed VGP would generally apply to discharges incidental to the normal operation of vessels that are greater than or equal to 79 feet long (with certain exceptions) into waters of the United States. The proposed sVGP would generally apply to discharges inciden-

tal to the normal operation of vessels less than 79 feet long into waters of the United States.

Copies of the draft permits and the accompanying fact sheets are available by contacting Dharmin Pathak at the following address or may be acquired through the EPA's web site at <http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm>. The Department intends to waive its certification rights under section 401 of the Federal Clean Water Act with respect to the terms and conditions of the draft permit. If any of the terms or conditions of the draft permits are significantly revised in the final permits, the Department reserves the right to reconsider the waiver of its certification rights.

Written comments on the Department's proposed action should be sent to Dharmin Pathak, Department of Environmental Protection, Bureau of Point and Non-Point Source Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8467, [dpathak@pa.gov](mailto:dpathak@pa.gov) and must be received by April 16, 2012.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-494. Filed for public inspection March 16, 2012, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of .25 acre of land and single family residence located at 215 East Avon Road, City of Chester, Delaware County. Bids are due Friday, June 8, 2012. Interested parties wishing to receive a copy of Solicitation No. 94444 should view the Department web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Jayne Fitzpatrick at (717) 787-2834.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 12-495. Filed for public inspection March 16, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.20(f) and (g) (relating to resident bedrooms):

Butler Valley Manor  
463 North Hunter Highway  
Drums, PA 18222  
FAC ID # 283802

Nipple Convalescent Home  
100 South Front Street  
Liverpool, PA 17045



The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.36(g) and (h) and 205.38(b) (relating to bathing facilities; and toilet facilities):

Hollinger Senior Housing  
707 Shepherdstown Road  
Mechanicsburg, PA 17055

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail, or facsimile to the Division at the address listed previously. Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-496. Filed for public inspection March 16, 2012, 9:00 a.m.]

### **Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2011-2012 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act**

Sections 401—411 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.401—1303.411) requires nursing homes to electronically report health care-associated infection (HAI) data to the Department of Health (Department) and the Patient Safety Authority (Authority). Mandatory reporting of nursing home HAIs was implemented in June 2009.

Section 409 of the MCARE Act (40 P. S. § 1303.409) states that every fiscal year, beginning July 1, 2008, each nursing home shall pay the Department a surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to this Act. The base amount of 1 million for Fiscal Year (FY) 2008-2009 has the potential to be increased no more than the Consumer Price Index in each succeeding fiscal year.

The FY 2010-2011 surcharge was \$800,000. The Authority has recommended that the FY 2011-2012 surcharge assessment again total \$800,000.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of February 10, 2012, was totaled and that amount was divided into \$800,000. The total number of licensed beds is 87,499. This equates to a surcharge of \$9.14 per bed.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@health.state.pa.us, and request the 2011-2012 MCARE surcharge assessment list for Nursing Care Facilities.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a nursing care facility has questions concerning this notice, a representative from that facility should contact Susan Williamson, Director, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, 825 Forster Street, Harrisburg, PA 17120, (717) 787-1816.

Persons with a disability who require an alternative format of this document (for example, large print, audiotope or Braille) should contact Susan Williamson at the address or telephone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-497. Filed for public inspection March 16, 2012, 9:00 a.m.]

### **Preventive Health and Human Services Block Grant Advisory Committee Meeting**

The Preventive Health and Human Services Block Grant Advisory Committee will hold a WebEx teleconference (public) meeting on Wednesday, March 28, 2012, from 2 p.m. to 3 p.m. The teleconference will be held in Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information, contact Terry L. Walker, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000 Health and Welfare Building, Harrisburg, PA 17120, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker, Administrative Officer at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-498. Filed for public inspection March 16, 2012, 9:00 a.m.]

## **DEPARTMENT OF PUBLIC WELFARE**

### **Additional Class of Disproportionate Share Payments for Critical Access Hospitals and Qualifying Rural Hospitals**

The Department of Public Welfare (Department) is announcing its intent to decrease the allocation of funding for Fiscal Year (FY) 2011-2012 for disproportionate share hospital (DSH) payments to qualifying hospitals

based on the designation as a Critical Access Hospital (CAH) or as a qualifying rural hospital. This reduction in the allocation for these DSH payments reflects the reduction in the amount allocated for Medical Assistance (MA) inpatient services in the Commonwealth's FY 2011-2012 budget. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of the changes to these DSH payments is \$7.162 million (\$3.218 million in State general funds and \$3.944 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-746. (1) General Fund; (2) Implementing Year 2011-12 is \$3,218,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2010-11 Program—\$4,677,000; 2009-10 Program—\$4,378,000; 2008-09 Program—\$4,888,000; (7) MA—CAH; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-499. Filed for public inspection March 16, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Mother's Day! '12 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mother's Day! '12.

2. *Price:* The price of a Pennsylvania Mother's Day! '12 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Mother's Day! '12 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22

(TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Butterfly (BUTTERFLY) symbol, Heart (HEART) symbol and a MOM (MOM) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Mother's Day! '12 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a MOM (MOM) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "PRIZE" areas and a prize symbol of \$100 (ONE HUN) appears in eight of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets with a MOM (MOM) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "PRIZE" areas and a prize symbol of \$100 (ONE HUN) appears in two of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with a Heart (HEART) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a MOM (MOM) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "PRIZE" areas and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a MOM (MOM) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "PRIZE" areas, a prize symbol of

\$10.<sup>00</sup> (TEN DOL) appears in two of the “PRIZE” areas and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in two of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Heart (HEART) symbol in the play area and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “PRIZE” area to the right of that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “PRIZE” area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets with a Heart (HEART) symbol in the play area and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “PRIZE” area to the right of that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “PRIZE” area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$20.<sup>00</sup>

(TWENTY) appears in the “PRIZE” area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a Heart (HEART) symbol in the play area and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a Heart (HEART) symbol in the play area and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets with a Butterfly (BUTTERFLY) symbol in the play area and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of that Butterfly (BUTTERFLY) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a “BUTTERFLY” (BUTTERFLY) Symbol, Win Prize Shown To The Right Of It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets:</i>
\$5	\$5	12	400,000
\$5 × 2	\$10	60	80,000
\$5 w/HEART	\$10	60	80,000
\$10	\$10	30	160,000
\$5 × 4	\$20	150	32,000
\$10 × 2	\$20	150	32,000
\$10 w/HEART	\$20	75	64,000
\$20	\$20	150	32,000
\$5 × 5	\$25	300	16,000
(\$10 × 2) + \$5	\$25	200	24,000
\$20 + \$5	\$25	200	24,000
\$25	\$25	300	16,000
\$5 × 8	\$40	300	16,000
\$20 × 2	\$40	300	16,000
\$20 w/HEART	\$40	150	32,000
\$40	\$40	300	16,000
MOM w/(\$5 × 8) + (\$10 × 2) + (\$20 × 2)	\$100	960	5,000
MOM w/(\$5 × 10) + (\$25 × 2)	\$100	1,000	4,800
\$20 × 5	\$100	1,500	3,200
\$25 × 4	\$100	1,500	3,200
(\$25 w/HEART) × 2	\$100	1,000	4,800
\$100	\$100	1,500	3,200
MOM w/(\$20 × 10) + (\$100 × 2)	\$400	40,000	120
\$40 × 10	\$400	120,000	40
\$100 × 4	\$400	120,000	40
(\$100 w/HEART) × 2	\$400	40,000	120
\$400	\$400	60,000	80
MOM w/(\$50 × 4) + (\$100 × 8)	\$1,000	120,000	40
\$500 × 2	\$1,000	120,000	40
\$1,000	\$1,000	120,000	40
\$50,000	\$50,000	480,000	10

Reveal a “HEART” (HEART) symbol, win double the prize shown to the right of it.

Reveal a “MOM” (MOM) symbol, win all 12 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother's Day! '12 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mother's Day! '12, prize money from winning Pennsylvania Mother's Day! '12 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Mother's Day! '12 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mother's Day! '12 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-500. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Pennsylvania Wild 10s Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Wild 10s.

2. *Price:* The price of a Pennsylvania Wild 10s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Wild 10s instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. Each "GAME" features three play symbols and a "Prize" area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 10 (TEN) symbol and a Swirl (WILD) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN

DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Wild 10s instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with three Swirl (WILD) symbols in the same "GAME" and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with three Swirl (WILD) symbols in the same "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with three Swirl (WILD) symbols in the same "GAME" and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets with three Swirl (WILD) symbols in the same "GAME" and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with three Swirl (WILD) symbols in the same "GAME" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with three Swirl (WILD) symbols in the same "GAME" and a prize symbol of \$5<sup>00</sup> (FIV

DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a 10 (TEN) symbol in any "GAME" and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A "10" (TEN) Symbol In Any Game, Win Prize Shown For That Game. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,200,000 Tickets:</i>
\$5	\$5	8.57	1,190,000
\$5 x 2	\$10	30	340,000
\$10	\$10	30	340,000
\$5 x 4	\$20	200	51,000
\$10 x 2	\$20	200	51,000
\$20	\$20	150	68,000
\$5 x 5	\$25	300	34,000
(\$10 x 2) + \$5	\$25	300	34,000
\$20 + \$5	\$25	300	34,000
\$25	\$25	300	34,000
\$5 x 8	\$40	300	34,000
\$10 x 4	\$40	600	17,000
\$20 x 2	\$40	600	17,000
\$40	\$40	600	17,000
\$5 w/THREE SWIRL SYMBOLS	\$50	600	17,000
\$10 x 5	\$50	600	17,000
\$25 x 2	\$50	600	17,000
\$50	\$50	600	17,000
\$10 w/THREE SWIRL SYMBOLS	\$100	600	17,000
\$10 x 10	\$100	1,200	8,500
\$20 x 5	\$100	1,200	8,500
\$25 x 4	\$100	1,200	8,500
\$50 x 2	\$100	1,412	7,225
\$100	\$100	1,412	7,225
\$25 w/THREE SWIRL SYMBOLS	\$250	6,000	1,700
\$50 x 5	\$250	12,000	850
(\$100 x 2) + \$50	\$250	12,000	850
\$250	\$250	15,000	680
\$50 w/THREE SWIRL SYMBOLS	\$500	30,000	340
(\$25 w/THREE SWIRL SYMBOLS) x 2	\$500	30,000	340
\$50 x 10	\$500	60,000	170
\$100 x 5	\$500	60,000	170
\$250 x 2	\$500	60,000	170
\$500	\$500	60,000	170
\$100 w/THREE SWIRL SYMBOLS	\$1,000	40,000	255
(\$10 w/THREE SWIRL SYMBOLS) x 10	\$1,000	40,000	255
\$500 x 2	\$1,000	120,000	85
\$1,000	\$1,000	120,000	85
\$1,000 w/THREE SWIRL SYMBOLS	\$10,000	1,020,000	10
\$10,000	\$10,000	1,020,000	10
\$100,000	\$100,000	1,020,000	10

Reveal three "SWIRL" (WILD) symbols in the same game, win 10 times the prize shown for that game.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wild 10s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wild 10s, prize money from winning Pennsylvania Wild 10s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Wild 10s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Wild 10s or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-501. Filed for public inspection March 16, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to replace the superstructure and rehabilitate the existing stone masonry substructure units of the South Highland Avenue Bridge within the City of Pittsburgh, Allegheny County. The bridge passes over Ellsworth Avenue, the Martin Luther King, Jr., East Busway and a Norfolk Southern rail line. Work on South Highland Avenue will include approximately 150 feet of approach roadway replacement along with bridge approach slabs and sidewalk reconstruction. Additionally, the project will include lowering approximately 370 feet of Ellsworth Avenue to achieve a 14-foot 6-inch vertical clearance under the new superstructure of the South Highland Avenue Bridge. The South Highland Avenue Bridge contributes to the Pennsylvania Mainline Railroad, a National Register of Historic Places resource.

The Department will clean and rehabilitate the original stone masonry abutments and pier to the standards of the Secretary of Interior, salvage and reuse the plaque

from the 1925 structure, stamp the Pennsylvania Mainline Railroad Logo into the concrete parapets, paint the steel elements of the structure black or gray, and place an interpretive plaque on or near the structure providing a brief overview of the history and significance of the Pennsylvania Mainline Railroad.

No adverse environmental effect is likely to result from the proposed action.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 12-502. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Finding Lawrence County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following finding:

The Department of Transportation (Department) plans to replace the existing concrete arch structure carrying Wampum Road (T-395) over Hickory Run and up to 100 feet of approach roadway on both sides of the bridge. The project will be located in North Beaver Township, Lawrence County. The Department will record the Wampum Bridge No. 2 over Hickory Run to State level standards. The historic narrative will include a discussion of the reinforced concrete arch type within this Commonwealth and across the Nation. The recordation will also employ photogrammetry to augment the information.

No adverse environmental effect is likely to result from the proposed action.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 12-503. Filed for public inspection March 16, 2012, 9:00 a.m.]

## GAME COMMISSION

### Feral Swine/Wild Boar Eradication

The Game Commission (Commission) has determined that the complete eradication of feral swine and wild boar from the wild within this Commonwealth is necessary to prevent further harm to its natural resources, agricultural industry, forest products industry and threats to human health and safety. The Commission has promulgated an Executive Order to remove protection for feral swine. The Pennsylvania Supreme Court declared the Commission to have jurisdiction over matters relating to wild boars (a member of the family *Suidae*, and also a feral swine) in *Seeton v. PGC*, 937 A.2d 1028 (Pa., 2007). At issue is whether a further removal of protection Statewide for feral swine and wild boar, wherever found, should be placed in effect in an effort to eradicate the same in the interest of public health and safety.

The Commission will accept written public comment on the proposals which follow postmarked within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

The proposal to which comments should be directed is as follows:

1. Protection on feral swine and wild boar is removed Statewide, except in those counties designated as containing official eradication trapping operations as indicated on the Commission's web site at [www.pgc.state.pa.us](http://www.pgc.state.pa.us) and in periodic Commission news releases.

2. In any county where protection on feral swine and wild boar has been removed, licensed hunters and trappers, or persons who qualify for license fee exemptions under section 2706 of the Game and Wildlife Code (34 Pa.C.S. § 2706), shall be eligible to participate in the unlimited taking (killing) of feral swine and wild boar in conformance with the limitations of section 2308 of the Game and Wildlife Code (34 Pa.C.S. § 2308).

3. Effective within 30 days from the date of a decision, no feral swine or wild boar may be imported into this Commonwealth.

4. Effective one year from the date of the decision, no feral swine or wild boar may be held in captivity within this Commonwealth.

Written comments should be submitted to Jason A. Raup, Assistant Counsel, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

CARL G. ROE,  
*Executive Director*

[Pa.B. Doc. No. 12-504. Filed for public inspection March 16, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the Commission's web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-159	Pennsylvania Gaming Control Board Table Game Rules of Play for Spanish 21, Poker, Mississippi Stud and Crazy 4 Poker	3/2/12	4/5/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-505. Filed for public inspection March 16, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of American Staffing Association, et al; Pennsylvania Compensation Rating Bureau; Doc. No. CL12-02-013

A prehearing telephone conference initiated by this office is scheduled for March 28, 2012, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 26, 2012. A date for a hearing shall be determined, if necessary, at the prehearing conference. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Administrative Hearings Office, Hearing Administrator, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before March 13, 2012. Answers to petitions to intervene, if any, shall be filed on or before March 27, 2012.

At the prehearing conference/telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

A written request for continuance of the scheduled prehearing telephone conference and hearing, for good cause will be considered by the Presiding Officer. Prior to

requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

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. 12-506. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Health Maintenance Organization Certificate of Authority Application Filed by Today's Options of Pennsylvania, Inc.

On December 23, 2011, Today's Options of Pennsylvania, Inc. filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the provisions of the Health Maintenance Organization Act (40 P.S. §§ 1551—1567), Department of Health HMO regulations (28 Pa. Code § 9.632(b) (relating to HMO certificate of

authority review by the Department)) and the Insurance Department HMO regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Lancaster County.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health Bureau of Managed Care Room 912 Health and Welfare Building Harrisburg, PA 17109-0900 (717) 787-5193	Department of Insurance 1345 Strawberry Square Harrisburg, PA 17120 (717) 787-2735
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Interested parties are invited to submit written comments to William Wiegmann, Department of Health or Robert Brackbill, Insurance Department at the previously listed addresses.

Persons who wish to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as by audio tape, Braille or using the Department of Health TDD (717) 783-6514. Persons with a disability requesting alternative forms may contact William Wiegmann so that he may make the necessary arrangements.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-507. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Independence Blue Cross; Rate Increase Filing for Several LTC Forms

Independence Blue Cross is requesting approval to increase the premium 9.9% on 2,310 policyholders with the following individual LTC policy form numbers: 5019, 5025, 5313, 5313 TQ, 5018-1, 5018-2, 5018-3, 5024, 5311-00, 5311-50, 5311-75, 5311-TQ100, 5311-TQ50 and 5311-TQ75.

Unless formal administrative action is taken prior to May 31, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-508. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Title Insurance Rating Bureau of Pennsylvania, Inc.; Rate Simplification, Rate Increase and Manual Revisions Filing

On February 29, 2012, the Insurance Department (Department) received from the Title Insurance Rating Bureau of Pennsylvania, Inc. (Rating Bureau) a filing for rate level changes for title insurance.

The Rating Bureau requests an overall 7.0% increase, which includes the effect of extending the existing rate schedule for limits of liability greater than \$30 million, to be effective June 1, 2012. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to March 30, 2012, the subject filing may be deemed effective by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@pa.gov](mailto:mmckenney@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-509. Filed for public inspection March 16, 2012, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual 530.21—State Employee Combined Appeal Procedures Manual, Dated February 17, 2012.

Management Directive No. 205.40—Commonwealth Branding, Amended February 6, 2012.

Management Directive No. 205.42—Social Media, Dated February 6, 2012.

Management Directive No. 530.23—State Employee Combined Appeal, Amended February 17, 2012.

Administrative Circular No. 12-03—Closing Instruction No. 1, Fiscal Year 2011-2012; Submission of Purchasing Documents, Dated February 6, 2012.

MARY JANE PHELPS,  
*Director  
Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 12-510. Filed for public inspection March 16, 2012, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Act 129 Energy Efficiency and Conservation Program Phase Two; Doc. No. M-2012-2289411; Secretarial Letter

On October 15, 2008, House Bill 2200 was signed into law as Act 129 with an effective date of November 14, 2008. Among other things, Act 129 required Energy Efficiency & Conservation (EE&C) programs for the Commonwealth's largest electric distribution companies (EDCs) and required that the Pennsylvania Public Utility Commission (PUC or Commission) evaluate the costs and benefits of the EE&C programs by November 31, 2013. Act 129 further directs that the Commission must set new incremental consumption and peak demand reductions, if the benefits of the Program and plans exceed the costs.<sup>1</sup> In accordance with these directives, the Commission has begun the process of evaluating the cost-effectiveness of the EE&C Programs and determining whether additional incremental consumption and peak demand reduction targets will be adopted and, if so, what those incremental reduction targets shall be.

The Commission believes that advanced planning will enable a smooth and coordinated transition from the Programs' initial phase to a possible second phase and will also minimize any harmful or disruptive breaks between programs, should the Commission set additional consumption and peak load reductions. At the same time, the Commission is interested in leveraging the knowledge and experience gained to-date to improve any future EE&C Programs, in order to maximize ratepayer benefits.

With this Secretarial Letter, we seek comments on a number of important topics that will be instrumental in designing and implementing any future phase of EE&C Programs. In addition, the Commission will be holding a stakeholder meeting on March 16, 2012, from 9 A.M. until Noon in Hearing Room 1, second floor of the Commonwealth Keystone Building, in Harrisburg, Pennsylvania. This meeting will provide interested parties an opportunity to identify additional issues and concerns regarding the design of any future EE&C programs and to address any questions regarding the topics and issues presented in this Secretarial Letter. Further, the Commission anticipates releasing a market potential study, conducted by the Statewide Evaluator, in the near future to inform the Commission and all interested parties of the energy savings potential remaining in the large EDCs' service territories. Finally, in May, the Commission expects to release a Tentative Implementation Order that will propose, among other things, any future incremental consumption and peak demand reduction targets and guidelines for future EE&C plans, if required.

Below are specific issues and topics for which we seek comments. We welcome comments on other issues and topics not discussed below.

### 1. Planning Timeline

The Commission is proposing the following timeline for consideration and comment:

- |               |   |
|---------------|---|
| March 1, 2012 | <ul style="list-style-type: none"> <li>• Release of Secretarial Letter seeking comments on future EE&amp;C planning issues</li> </ul> |
|---------------|---|

- |                   |   |
|-------------------|---|
| March 16, 2012    | <ul style="list-style-type: none"> <li>• Commission stakeholder meeting</li> </ul>  |
| April 17, 2012    | <ul style="list-style-type: none"> <li>• Secretarial Letter Comment due date</li> </ul>   |
| May 10, 2012      | <ul style="list-style-type: none"> <li>• Tentative Implementation Order on Public Meeting agenda</li> <li>• Release of Statewide Evaluator's Pennsylvania Electricity Baseline Study Results</li> <li>• Release of Statewide Evaluator's Pennsylvania Electricity Market Potential Study Results</li> </ul> |
| June 25, 2012     | <ul style="list-style-type: none"> <li>• Tentative Implementation Order Comment due date</li> </ul>   |
| July 6, 2012      | <ul style="list-style-type: none"> <li>• Tentative Implementation Order Reply Comment due date</li> </ul>   |
| August 2, 2012    | <ul style="list-style-type: none"> <li>• Final Implementation Order on Public Meeting agenda</li> </ul>   |
| November 1, 2012  | <ul style="list-style-type: none"> <li>• If necessary, EDCs file EE&amp;C Plans</li> </ul>  |
| February 28, 2013 | <ul style="list-style-type: none"> <li>• If necessary, Commission rules on EE&amp;C Plans</li> </ul>  |
| June 1, 2013      | <ul style="list-style-type: none"> <li>• EE&amp;C Programs begin</li> </ul>   |

### 2. Length of second EE&C Program

For planning purposes, the Commission must determine the number of years that a second EE&C Program should run. Several factors to consider when evaluating the length of an EE&C Program term are the accuracy of forecast data, the evolving energy efficiency marketplace, consumers' tendencies to adapt efficiency measures, changes in Federal legislation and regulations that set minimum efficiency standards, and the administrative costs incurred by all parties in designing, filing, litigating and implementing programs.

In general, a shorter term length enables the use of more accurate economic and energy forecasts that affect a consumer's ability to adopt energy efficiency (EE) measures.<sup>2</sup> The Commission, however, must balance the need for accuracy in forecasts with the increased administrative costs associated with implementing EE&C plans of shorter lengths. The more frequently we engage in the EE&C Program design, planning, adoption and implementation process, the greater the associated administrative costs that are ultimately borne by the ratepayers.

Given the above contingencies, the Commission seeks input from interested parties on the optimal length of a possible future EE&C Program. Options include a three-, four- or five-year length.<sup>3</sup>

### 3. Inclusion of a Demand Response Curtailment Program

The initial phase of EE&C programs included a multi-year EE program with what is essentially a one-year demand response program that will be implemented during the summer of 2012. For any subsequent plans, Act 129 requires the Commission to compare the total costs of each EE&C plan to the total savings in energy and capacity costs to retail customers in the Commonwealth or other costs determined by the Commission. If

<sup>2</sup> For example, uncertainties arise regarding how to measure costs for new lighting equipment and their adoption rates over time, potentially decreasing the accuracy of the associated forecasts. These uncertainties are exacerbated by Federal code and standards changes that impact markets for high-impact EE measures, such as those contained in the Federal Energy and Independence Security Act (EISA), which impacts the availability of less efficient lighting.

<sup>3</sup> Act 129 requires the Commission to evaluate the costs and benefits of the EE&C Program at least every five years. See 66 Pa.C.S. § 2806.1(c)(3).

<sup>1</sup> See 66 Pa.C.S. §§ 2806.1(c) and (d).

the Commission determines that the benefits of the plans exceed the costs, the Commission must set additional, incremental requirements for reductions in peak demand. Importantly, Act 129 gives the Commission latitude to set future reductions in peak demand for either the 100 hours of greatest demand or an alternative reduction that is approved by the Commission.<sup>4</sup>

Since Act 129 requires the Commission to conduct a cost-benefit analysis before establishing any additional peak demand reduction targets, the Commission has contracted with the Statewide Evaluator to conduct a study of the current peak demand program and to provide recommendations on whether the current or another future peak demand reduction program can be implemented cost-effectively. Because the Commission does not anticipate receiving this study until after the summer of 2012, the Commission is considering contingency plans for the inclusion or exclusion of a demand response program component in any next EE&C program depending on the outcome of the Statewide Evaluator study and the Commission's subsequent evaluation of its recommendations.

The contingencies that we seek input on pertain to the structure of future EE&C program budgets and the possible length of a second EE&C program, if required. If it is determined that a demand response program will be included in the next round of EE&C plans, an appropriate portion of each plan budget will need to be dedicated to implementing such a program. Further, if it is determined that a demand response program will be included in the next round EE&C plans, any required peak demand reductions must be met by May 31, 2017.

For discussion purposes, we have tentatively identified a number of options for dealing with these contingencies. One option is to establish a three-year EE&C Program with only consumption reduction budgets and targets through May 31, 2016, and await the receipt of the Statewide Evaluator's demand response study before deciding whether to include a demand response curtailment program in a potential third EE&C Program. Under this scenario, EDCs would need to meet prescribed peak demand reductions within the first year of a third EE&C program, if required.

Another option is to set multi-year demand response reduction targets for the duration of the second EE&C program, just as Phase One had a short-term consumption and a long-term consumption target.

In the event the Commission determines that there is not a cost-effective demand response curtailment program design, there would likely be no peak demand reduction program in either of these two scenarios.

A third option to deal with the demand response program contingency is to require EDCs to set aside a portion of their next round of EE&C Plan budgets to fund demand response programs in the event the Commission determines that there can be a cost-effective demand response program for the next round of plans. This option would allow for the next EE&C Program to run for 4 or 5 years, with any Commission-required peak demand reductions being met by May 31, 2017.

In the event that the Commission cannot identify a cost-effective demand response program for any subsequent EE&C Plan, the Commission could consider allowing EDCs to utilize all of its EE&C Plan funding for consumption reduction programs.

In addition to commenting on these options, the Commission seeks input on parties' positions regarding the inclusion of a demand response program in future EE&C plans. Specifically, assuming that the Statewide Evaluator's report indicates that the current demand response programs (based on a reduction in peak demand for the 100 hours of greatest demand) are not cost effective, should a demand response program be included in the next round of plans, if required? If so, how should these demand response programs be structured to be cost-effective?

#### 4. *Aligning EDC Targets and Funding Using Dollars per MWh of Expected Reductions*

Act 129 restricts the total cost of any EDC plan to no more than 2% of that EDC's 2006 total annual revenue.<sup>5</sup> In addition, for the initial round of EE&C Plans, Act 129 set uniform percentage reduction targets to be achieved under that 2% revenue cap. Because of differences between the EDCs' 2006 revenues, the amount of funding available for each EDC EE&C plan varies, with some EDCs having significantly more dollars per megawatt hour (MWh) of expected reductions available than the others. Should the Commission address this imbalance in the next round of EE&C plans, if required? If so, should this issue be addressed by reducing plan funding for those EDCs with larger budgets or by setting reduction targets among the EDCs based on an equal dollars per MWh of expected reductions?

The Commission has preliminarily identified two ways that EDC reduction targets could be more closely aligned with available funding. One option would be to vary each EDC's reduction targets to be consistent with the amount of funding available under each EDC's 2% revenue cap. For example, an EDC with more funding would have a higher consumption reduction target than an EDC with less available funding. Under this scenario, both targets and funding would be aligned by equalizing dollars per MWh of reduction.

Another option would be to set uniform percentage reduction targets across EDCs and vary EDC funding under the 2% revenue cap. This scenario could be implemented by setting the minimum target level for all EDCs based on the EDC with the least amount of funding available per MWh of reduction. For example, assume that the next EE&C plan target for the EDC with the lowest available funding is a 2% EE reduction. Under this scenario, the remaining EDCs' budgets would be reduced so that all the EDCs would have that same 2% reduction target and the same dollars per MWh funding. This scenario would result in uniform reduction target percentages and varied percent-of-annual-revenue budgets for all the EDCs, but with less total EE&C Program funding in the next round of plans, if required.

#### 5. *Inclusion of a Reduction Target Carve-Out for the Government, Educational and Non-Profit Sector*

In Phase One, Act 129 required each EE&C Plan to obtain at least 10% of the required reductions in consumption from units of Federal, State and local government, including municipalities, school districts, institutions of higher education and non-profit entities.<sup>6</sup> Based on the EDCs' performance reports for Phase One, EDCs have generally met this requirement thus far. The Commission anticipates that the Statewide Evaluator's Market Potential Study will shed light on the amount of energy use attributable to this sector and the potential for future reductions from this sector.

<sup>4</sup> See 66 Pa.C.S. § 2806.1(d)(2).

<sup>5</sup> 66 Pa.C.S. § 2806.1(g).

<sup>6</sup> See 66 Pa.C.S. § 2806.1(b)(1)(i)(B).

The Commission has tentatively identified three alternatives for structuring a carve-out for the government, educational and non-profit sector, if continued in future EE&C plans. First, the carve-out could be structured as a percentage of the overall program savings, as it was for Phase One. The actual percentage of savings could be 10% as in Phase One or perhaps less than or greater than 10% depending on the Market Potential Study results, other relevant information and/or stakeholder input.

A second option would involve setting an EE&C Plan budget carve-out that would require a minimum amount to be spent on measures purchased or installed by this sector. Again, the Statewide Evaluator's Market Potential Study along with other data and stakeholder input would identify this sector's relative energy use and potential for reductions that could be used to set the specific budget carve-outs for this sector.

A third option would set the sector carve-out, whether it be budgetary or an energy savings, based on the sector's potential in each EDC's service territory. This option may result in different sector budget or energy savings carve-outs for each EDC.

The Commission also requests that interested parties comment on developing EDC on-bill financing programs to assist this sector, or requiring EDCs to partner with lending institutions to provide low-cost financing for these projects.

At this time, the Commission seeks input on whether a 10% (or some other percentage) carve-out for this sector should continue in any future EE&C plan, if required. Absent a specific carve-out, this sector would likely be included within EE&C plan offerings to commercial and industrial customers.

#### 6. *Inclusion of a Low-Income Sector Carve-Out*

In Phase One, Act 129 required each EE&C plan to include specific EE measures for households at or below 150% of the Federal Poverty Income Guidelines in proportion to that sector's share of the total energy usage in the EDC's service territory.<sup>7</sup> We are seeking comments as to whether this requirement should continue in the next EE&C Plan, if required.

In addition, assuming this carve-out will continue, we are seeking comments on whether we should expand the requirement to include low-income households at or below 250% of the Federal Poverty Income Guidelines. Considerations for potential expansion to 250% include overlapping eligibility with the existing Low-Income Usage Reduction Programs implemented under Chapter 28 of Title 52 of the Pennsylvania Code and the potential to make EE measures more affordable to households in the 151-250% range of the poverty guidelines.

A second option would be to structure the low-income carve-out as a percentage of the overall EE&C Plan budget. This budgetary carve-out could be based on an estimate of the percentage of energy this sector consumes in the EDC's service territory or some other indicator.

A third option for structuring the low-income carve-out would be to designate a percentage of energy savings to be achieved from this sector.

At this time the Commission seeks comments on whether it should continue to include a low-income element in future EE&C Plans, if required. If so, what form or requirements should the low-income element entail?

<sup>7</sup> See 66 Pa.C.S. § 2806.1(b)(1)(i)(G).

#### 7. *Transition Issues*

In addition to the topics identified above, the Commission seeks comments on a number of anticipated issues regarding the transition from Phase One to a second round of EE&C plans, if required. The first transition issue is whether the Commission should give consideration in the potential next phase for an EDC that exceeds its Phase One EE targets. Specifically assuming that the Commission will require a second round of EE&C Plans, should an EDC that achieves more than its 3% reduction in its Phase One EE program receive credit toward achieving its incremental second target in the amount it exceeds its Phase One target? If so, should the EDC's next budget be reduced to account for the portion of the second target that it achieved in Phase One?

A second and related transition issue is whether an EDC that has met its Phase One EE target but has not spent all of its Phase One budget should continue its Phase One program implementation until its second EE&C Plan begins or until the Phase One funds are exhausted? Alternatively, should an EDC that has met its Phase One EE target but has not spent all of its Phase One budget be required to immediately reconcile the remainder of its Phase One budget to ratepayers? Why or why not?

A third transition issue for consideration is the way in which the Commission operationalizes the Act 129 requirement that it adopt additional required incremental reductions in consumption. In Phase One, the EE reductions in consumption of 1% and 3% were to be measured against the EDC's expected load as forecasted by the Commission for June 1, 2009, through May 31, 2010. One way to operationalize "additional required incremental reductions" is to maintain the same baseline 2009-2010 energy year forecast and have the next percentage reduction targets be added to, and cumulative, with the Phase One percentage reduction targets. For example, assuming that the Commission concludes that a second round of EE&C plans are necessary, if an EDC were required to have an additional required incremental reduction of 2%, the new target would be expressed as a total, cumulative, end-of-second plan target of 5% of the previously determined 2009-2010 energy year forecast. The 5% target would include the 3% reduction target from Phase One as well as the 2% increment for the second EE&C plan.

At this time, the Commission seeks comments on these and other potential issues involving the transition from the current EE&C Plans to future EE&C Plans, if required.

#### 8. *Other Act 129 Program Design Issues*

The Commission seeks comments on any adjustments to the reconciliation requirements of EE&C Plan Phase II programs, if the Commission decides to proceed with further programs. Under the current program, program costs and revenues are reconciled without any interest collected or charged. Comments on whether these plans should continue to reconcile costs without interest or to amend reconciliation procedures to charge or collect interest are requested. If interest is to be included, please offer comments on what interest rate should be used and what adjustments to these rates are appropriate for over and under recoveries. The Commission also solicits comments on any modifications to the reconciliation procedures of Act 129 plans. Currently revenues are being reconciled to actual costs for some utilities, while other EDCs reconcile to budgeted costs. If interest is charged or credited, how should these reconciliation procedures be modified?

The Commission directs that this Secretarial Letter shall be published on the Commission's website and be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement and the large electric distribution companies covered under the Act 129 EE&C Program.

The Commission further directs that the Secretary shall deposit a notice of this Secretarial Letter with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

The Commission directs that all interested parties shall file an original and three (3) copies of written Comments by April 17, 2012, referencing Docket Number M-2012-2289411 to the Pennsylvania Public Utility Commission, Attention: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

If you have any questions regarding this Secretarial Letter, please contact Darren Gill at (717) 783-5244 or dgill@pa.gov.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-511. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Act 129 Energy Efficiency and Conservation Program Phase Two Seeking Comments; Doc. No. M-2012-2289411

The Pennsylvania Public Utility Commission (Commission) seeks comments on a number of important topics that will be instrumental in designing and implementing any future phase of the Act 129 Energy Efficiency and Conservation (EE&C) Program. At its March 1, 2012, public meeting, the Commission released a Secretarial Letter identifying the key Act 129 EE&C Program Phase Two topics on which it seeks comment. A copy of the Secretarial Letter can be found on the Commission's web site at <http://www.puc.state.pa.us/pcdocs/1167243.docx>. (*Editor's Note:* See 42 Pa.B. 1481 (March 17, 2012) for the Secretarial Letter.)

House Bill 2200 was signed into law as the act of October 15, 2008 (P. L. 1592, No. 129) (Act 129). Among other things, Act 129 required EE&C programs for the Commonwealth's largest electric distribution companies and required the Commission evaluate the costs and benefits of the EE&C programs by November 31, 2013. Act 129 further directs the Commission to set new incremental consumption and peak demand reductions, if their benefits exceed their costs. With the adoption of the Secretarial Letter, the Commission has begun the process of evaluating the cost-effectiveness of the EE&C Program and determining whether additional incremental consumption and peak demand reduction targets will be adopted and, if so, what those incremental reduction targets shall be.

Interested parties shall file an original and three copies of written comments addressing the issues and topics presented in the Secretarial Letter by April 17, 2012, referencing Docket Number M-2012-2289411 to the Pennsylvania Public Utility Commission, Attention: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Any questions

regarding the Secretarial Letter shall be directed to Darren Gill at (717) 783-5244 or dgill@pa.gov.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-512. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 2, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2012-2290618. Yeager Transportation, Inc.** (1106 Cross Creek Road, Burgettstown, Washington County, PA 15057)—to discontinue service as a common carrier by motor vehicle, at A-00109129, authorizing the transportation, as a common carrier, by motor vehicle, persons in school buses and vans not exceeding 15 passengers plus the driver, from points in Townships of Jefferson, Cross Creek, Hopewell, Independence and Mt. Pleasant, Washington County, to points in that part of Pennsylvania on and west of the eastern boundaries of the Counties of Tioga, Lycoming, Montour, Northumberland, Dauphin, Cumberland and York, and return.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-513. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2291840. Verizon North, LLC and Comcast Business Communications, LLC.** Joint petition of Verizon North, LLC and Comcast Business Communications, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and Comcast Business Communications, LLC, by its counsel, filed on March 5, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and Comcast Business Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-514. Filed for public inspection March 16, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2291794. Verizon North, LLC and Comcast Phone of Pennsylvania, LLC.** Joint petition of Verizon North, LLC and Comcast Phone of Pennsylvania, LLC for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Comcast Phone of Pennsylvania, LLC, by its counsel, filed on March 5, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and Comcast Phone of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-515. Filed for public inspection March 16, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2290943. Verizon North, LLC and Zito Media Voice, LLC.** Joint petition of Verizon North, LLC and Zito Media Voice, LLC for approval of an adoption of an interconnection agreement and amendment No. 1 under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and Zito Media Voice, LLC, by its counsel, filed on February 29, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement and amendment No. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon North, LLC and Zito Media Voice, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-516. Filed for public inspection March 16, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2290900. Verizon Pa, Inc. and Zito Media Voice, LLC.** Joint petition of Verizon Pa, Inc. and Zito Media Voice, LLC for approval of an adoption of an interconnection agreement and amendment No. 1 under section 252(i) of the Telecommunications Act of 1996.

Verizon Pa, Inc. and Zito Media Voice, LLC, by its counsel, filed on February 29, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement and amendment No. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pa, Inc. and Zito Media Voice, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-517. Filed for public inspection March 16, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2291803. Verizon Pennsylvania, Inc. and Comcast Business Communications, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Comcast Business Communications, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Comcast Business Communications, LLC, by its counsel, filed on March 5, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Comcast Business Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-518. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2291763. Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC, by its counsel, filed on March 5, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Comcast Phone of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-519. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Tentative Order Regarding the Commission's Plan to Implement a One-Year Time Frame for Inactive Telecommunication Carriers to Provide Service on an Annual Basis Within the Commonwealth; Implementation of the Telecommunications Act of 1996

Public Meeting held  
March 1, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Tentative Order Regarding the Commission's Plan to Implement a One-Year Time Frame for Inactive Telecommunication Carriers to Provide Service on an Annual Basis Within the Commonwealth of Pennsylvania;*  
*Doc. No. M-2011-2273119*

*Implementation of the Telecommunications Act of 1996;*  
*Doc. No. M-00960799*

#### Tentative Order

*By the Commission:*

Before the Commission for consideration is the proposed implementation of a one-year timeframe require-

ment for telecommunication carriers<sup>1</sup> to actively provide service on an annual basis to customers<sup>2</sup> within the Commonwealth of Pennsylvania. The Commission proposes that the timeframe, for new applicants, would begin on the entry date of an order or issuance of a Secretarial Letter that formally grants a certificate of public convenience (CPC) from the Commission. The Commission believes that it is sound public policy for carriers to hold CPCs for a limited period of time without providing service to customers. The Commission further believes that a one-year timeframe should provide new entrants ample opportunity to begin offering services to customers without creating a barrier to entry. Additionally, this requirement will help the Commission maintain a current list of active carriers and what services they provide.

By this Tentative Order, we establish a 20-day comment and a 10-day reply comment period dating from publication in the *Pennsylvania Bulletin*. Technical Utility Services (TUS) and the Law Bureau are instructed to prepare a final recommendation following review of the Comments and Reply Comments.

#### Background

On June 3, 1996 and September 9, 1996, the Commission entered Orders (Implementation Orders) at Docket No. M-00960799 implementing provisions of the Telecommunications Act of 1996 (TA-96) in Pennsylvania. In the Implementation Orders, the Commission set forth various requirements in accordance with TA-96, such as a fitness affidavit and a proposed tariff, for telecommunications carriers to apply for a CPC. However, at that time, the Commission did not establish a mandatory timeframe requirement for a carrier to begin to provide service to wholesale and/or retail customers upon receipt of its CPC.

As the telecommunications market has progressed, many new carriers have applied and been granted CPCs in accordance with the Commission's procedures and the applicable federal guidelines. However, the Commission has recently found that not requiring initiation of service within a specified timeframe has resulted in certified carriers either not providing service to customers at all or remaining inactive for several years. During a technical staff inquiry<sup>3</sup> in November 2008, staff found that a significant number<sup>4</sup> of telecommunications carriers had reported zero access lines and zero revenues. Consequently and upon further review, it appeared that a significant number of these carriers were not utilizing their CPCs to provide service to the public.

#### Discussion

With no specified timeframe to begin offering services to the public or just simply complying with our reporting requirements by filing reports that indicate an "inactive" status, a carrier is essentially not utilizing its CPC to offer telecommunications services to the public.

First, the Commission believes that establishing a one-year timeframe for carriers to start providing telecommunications services for which they have obtained the requisite operational authority and a relevant certificate of public convenience does not qualify as a barrier to entry as prescribed by the federal Telecommunications Act of 1996 (TA-96). See generally 47 U.S.C. § 253(a). We view the proposed one-year requirement as consistent

<sup>1</sup> Telecommunications carrier for purposes of this Order is any carrier approved to provide service as a CLEC, CAP, or IXC.

<sup>2</sup> Customers can be either wholesale or retail.

<sup>3</sup> Staff's inquiry included a data request which was a result of numerous carriers filing zeros on reports required for the annual recalculation of the Telecommunications Relay Service (TRS) surcharge.

<sup>4</sup> Fifty-eight of the 190 carriers that filed the TRS Annual Access Line Reports in 2007 filed zero access lines.

with our authority under the Public Utility Code (Code) and TA-96 over entry procedures for telecommunications carriers. Of note, the Commission exercised its authority over entry procedures, initially, with our Implementation Orders. We further note that other states' actions, as described below, with one-year timeframes have not had the requirement challenged as a barrier to the entry guideline that is incorporated in the TA-96.<sup>5</sup> Likewise, the Commission believes that any similar timeframe requirement will not violate 47 U.S.C. § 253(a), since a carrier is still able to obtain certification and provide service. The timeframe requirement simply insures that the carrier is able to provide service to customers shortly after it receives its certification from the Commission. Therefore, we believe that our action today complies with TA-96 as well as our own implementation orders.

Second, the Commission has reviewed procedures used by other state commissions that have established a specific timeframe for carriers to actively provide service. For instance, under the Michigan Telecommunications Act Sec. 302(1)(a)<sup>6</sup> a carrier has a one-year requirement to start doing business. Missouri operates under revised statutes<sup>7</sup> which state that after one year of not providing service, the carrier's certificate becomes null and void. In addition, the Idaho Public Utilities Commission has a one-year requirement for carriers to be "open for business" as stated in each commission order<sup>8</sup> granting certification. And finally, the California Public Service Commission requires carriers to provide service within one year or the certificate expires.<sup>9</sup>

The Commission envisions a two-part process to implement the timeframe requirement: one for existing carriers that are certificated as of the date that the one-year requirement becomes effective and one for new carriers that receive Commission certification after the one-year requirement is effective. For existing carriers, the Commission will identify those telecommunications carriers that appear to not have provided service in Pennsylvania since receiving their CPC. This identification will occur as of the effective date of the one-year requirement. The Commission will identify these inactive carriers by monitoring the data found in various reports filed with the Commission such as annual financial reports, TRS reports, fiscal assessment reports, and telephone number utilization reports.<sup>10</sup> The Commission will then issue a secretarial letter to any telecommunications carrier deemed inactive. This letter will advise the carrier of the newly established one-year timeframe requirement and that they have one year from the date of the letter to provide proof that they are providing services to customers.

<sup>5</sup> Telecommunications Act of 1996 § 253. REMOVAL OF BARRIERS TO ENTRY: (a) IN GENERAL—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service. 47 U.S.C. § 253(a).

<sup>6</sup> Michigan Telecommunications Act, Mich. Comp. Laws § 484.2302(1), which provides that after notice and hearing, the [Michigan] commission shall approve an application for a license if the commission finds both of the following: (a) The applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local exchange service within the geographic area of the license and that the applicant intends to provide service within 1 year from the date the license is granted.

<sup>7</sup> MO REV. STAT. § 392.410.5; The commission . . . Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.

<sup>8</sup> For example, see In The Matter Of The Application Of Millennium Networks, LLC For A Certificate Of Public Convenience And Necessity To Provide Local Exchange Telecommunications Services; Idaho Public Utilities Commission Case No. MNL-T-09-01; Order No. 31027.

<sup>9</sup> For example, see California Public Utilities Commission Order Approving Application No. 09-07-004 for CVC CLEC, LLC, August 12, 2010.

<sup>10</sup> A carrier with multiple types of authority in Pennsylvania (for example, a carrier certificated in the Commonwealth as a CLEC, CAP, and IXC) will not be considered "inactive" as long as it provides service under at least one type of authority.

Also, after the timeframe requirement is established, Commission orders granting operational authority and certification to new applicants offering telecommunications services will include language informing the applicant of the one-year timeframe requirement that begins on the date of entry of the order granting operational authority and certification. In addition, it is in the public interest to permit new entrants providing telecommunications service to request an extension of the one-year timeframe requirement. The Commission will review those requests on a case-by-case basis and extensions will only be granted for good cause shown. The extension period will be a maximum of six (6) months and the carrier must provide data to show proof of doing business or actively engaging in efforts to initiate the provision of its services, e.g., engaging in good faith negotiations for obtaining requisite interconnection agreements. Furthermore, an ordinary change in the operational or business circumstances of the inactive carrier, e.g., a pending merger with another carrier already operating within the Commonwealth, can easily be explained to the Commission on a proprietary or non-proprietary basis. In addition, a written explanation must be submitted if a carrier offers nontraditional<sup>11</sup> services and submits zeros on the aforementioned reports which may indicate an "inactive" status.

Carriers that do not offer service by the Commission deadlines described above or, if applicable, do not receive an extension of time to offer service will first be given an opportunity to abandon service, consistent with our regulations at 52 Pa. Code §§ 63.301–63.310. Those carriers that do not elect to proceed with voluntary abandonment will undergo the existing default procedures currently in place by the Commission. This process entails a default order revoking the certificate followed by publication in the *Pennsylvania Bulletin* for comment and notification purposes.

In either case, an abandonment fee of \$350 will be assessed to those carriers who do not comply with the one-year timeframe requirement. This fee will be assessed to prevent carriers from abusing the Commission's process. This fee can be waived if a written and valid explanation is given.

Any carrier that loses its certification would be required to repeat the entire application and approval process again, including payment of the entry application fee and any outstanding fees.

Furthermore, the Commission will continue to monitor carriers on an ongoing basis using the same method, as described herein, to ensure certificated carriers are operational and continuing to provide service to customers. Consequently, if any telecommunications carrier that has provided service in the past becomes inactive for one year, it will receive a secretarial letter establishing a 90-day period to submit proof of service. If the carrier does not provide proof of service it will be deemed inactive and will undergo the default procedure currently established by the Commission.

### Conclusion

Based on the foregoing, the Commission anticipates requiring telecommunications carriers to be actively engaged in providing services on an annual basis within the Commonwealth of Pennsylvania. By this action, the Commission will have a more complete list of active carriers

<sup>11</sup> By nontraditional the Commission refers to certain services including VoIP, competitive 911/E911 services, or competitive tandem switching services, etc. This list may not be all inclusive of the number of nontraditional services offered by telecommunications carriers operating within Pennsylvania.

and better understanding of when and how telecommunications carriers serve customers within the Commonwealth. In addition, on a going forward basis, we expect this process to, ultimately, save Commission resources by eliminating time spent processing default orders that become necessary to address the issues associated with inactive carriers. Upon adoption of this tentative order and the expiration of the comment periods, the Commission will issue a secretarial letter to inform all telecommunications carriers (with the exception of incumbent local exchange carriers) of the new timeframe requirement. Those who oppose this action may file comments addressing their concerns; *Therefore,*

*It Is Ordered That:*

1. This Tentative Order is to be published in the *Pennsylvania Bulletin* and a copy be served on the Pennsylvania Emergency Management Agency, the Office of Consumer Advocate, and the Office of Small Business Advocate.

2. A copy of this Tentative Order be published on the Commission's web site.

3. Comments shall be submitted addressing the issues within 20 days of the publication of this Order in the *Pennsylvania Bulletin*. Reply comments also can be submitted within 10 days after the close of the comment period.

4. If no comments are received within 20 days of publication in the *Pennsylvania Bulletin*, the Tentative Order shall become final without further Commission action.

5. If comments are received, Technical Utility Services and the Law Bureau shall prepare a joint recommendation following review of the Comments and Reply Comments.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-520. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Transfer of Inventory

**A-2012-2292032. West Penn Power Company.** Application of West Penn Power Company for approval of the transfer of inventory to FirstEnergy Service Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 27, 2012. 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:* West Penn Power Company

*Through and By Counsel:* John L. Munsch, Attorney, 800 Cabin Hill Drive, Greensburg, PA 15601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-521. Filed for public inspection March 16, 2012, 9:00 a.m.]

### Wastewater Service

**A-2012-2291572 and A-2012-2291575. The York Water Company and Stahlman Enterprises, LLC (a/k/a Asbury Pointe Water and Sewer Company LLC).**

Application of The York Water Company and Stahlman Enterprises, LLC (a/k/a Asbury Pointe Water and Sewer Company LLC) for approval of: 1) the transfer by sale of certain public wastewater facilities and rights from Stahlman Enterprises, LLC (a/k/a Asbury Pointe Water and Sewer Company), to the York Water Company; 2) the abandonment by Stahlman Enterprises, LLC (a/k/a Asbury Pointe Water and Sewer Company LLC) of wastewater service to the public in East Manchester Township, York County; and 3) the approval for the York Water Company to begin to offer, render, furnish or supply wastewater service in additional territory in East Manchester Township, York County, abutting the existing service territory currently served by Stahlman Enterprises, LLC (a/k/a Asbury Pointe Water and Sewer Company LLC).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 2, 2012. 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.

*Applicants:* The York Water Company and Stahlman Enterprises, LLC (a/k/a Asbury Pointe Water and Sewer Company LLC)

*Through and By Counsel:* Michael W. Hassell, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-522. Filed for public inspection March 16, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-017.P, Asphalt Material, until 2 p.m. on Thursday, April 12, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-523. Filed for public inspection March 16, 2012, 9:00 a.m.]



## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Vanessa M. Rugys; Doc. No. 0101-45-12

On January 19, 2012, Vanessa M. Rugys license no. CO265545 of Philadelphia, Philadelphia County, had her license suspended for nonpayment of a previously imposed civil penalty. Her license has since been reinstated.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 12-524. Filed for public inspection March 16, 2012, 9:00 a.m.]

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## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 28, 2012	Edward J. Kelly Deferred Compensation Plan—Denial of Emergency Hardship Withdrawal	1 p.m.
April 10, 2012	Patricia L. Yorty Calculation of Frozen Present Value	1 p.m.
April 18, 2012	Paul F. Dschuhan Pension Forfeiture	1 p.m.
April 20, 2012	Joseph A. Greene Disability Retirement Benefits	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DAVID E. DURBIN,  
*Acting Secretary*

[Pa.B. Doc. No. 12-525. Filed for public inspection March 16, 2012, 9:00 a.m.]

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