

# 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 April 24, 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>
4-23-2012	The Bryn Mawr Trust Corporation Bryn Mawr Montgomery County Application for approval to acquire 100% of Davidson Trust Company, Devon.	Approved

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-23-2012	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.	Approved

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-24-2012	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	135 East City Avenue Bala Cynwyd Montgomery County	Filed

### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-23-2012	Vantage Point Bank Fort Washington Montgomery County Amendment to Article II of the institution's Articles of Incorporation provides for a change in their principal place of business from 1250 Virginia Drive, Fort Washington, Montgomery County, PA 19034 to 100 Gibraltar Road, Horsham, Montgomery County, PA 19044	Approved and Effective

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-24-2012	Freedom Credit Union Warminster Bucks County Application for approval to merge McKinley Memorial Federal Credit Union, Willow Grove, with and into Freedom Credit Union, Warminster.	Approved

**Branch Applications****Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-24-2012	Incol Credit Union Old Forge Lackawanna County	<i>To:</i> 584 Wyoming Avenue Kingston Luzerne County  <i>From:</i> 480 Pierce Street Kingston Luzerne County	Filed

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-832. Filed for public inspection May 11, 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, May 23, 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. 12-833. Filed for public inspection May 11, 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>
PA0013650 (IW)	General Dynamics OTS Inc. (Scranton Army Ammunition Plant) 156 Cedar Avenue Scranton, PA 18505	Lackawanna County Scranton City	Roaring Brook (5-A)	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>
PA0114715 (Sewage)	Hemlock Municipal Sewer Cooperative WWTP P. O. Box 243 Bloomsburg, PA 17815	Columbia County Montour Township	Fishing Creek (5-C)	Y

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

*Central Office: Bureau of Point and Non-Point Source Management, Planning and Permitting Program Manager, 400 Market Street, Harrisburg, PA 17105-8774, Telephone: 717.787.8184.*

**PA0270741**, Pesticides, SIC Code 4959, **Pennsylvania Department of Environmental Protection (PA DEP) Vector Management Program**, PO Box 1467, Harrisburg, PA 17105.

Description of Proposed Activity: The application is for a new NPDES permit for proposed discharges associated with the application of pesticides to control or suppress black flies and mosquitoes carrying West Nile Virus, statewide. Direct applications to waters are generally completed by the black fly program using biological pesticides. Applications near water are anticipated for the West Nile Virus program using both biological and chemical pesticides.

The receiving stream(s) are located throughout Pennsylvania and may vary year to year as a result of surveillance activities. PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. The permit authorizes discharges to receiving streams statewide. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan. The proposed permit also contains a schedule of pesticides and maximum doses authorized under the permit.

You may make an appointment to review the DEP files on this case by calling Dharmendra Kumar at 717.783.2288. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

**PA0081302**, Sewage, SIC Code 4952, **South Londonderry Township Municipal Authority Lebanon County**, P. O. Box 3, Campbelltown, PA 17010. Facility Name: South Londonderry Campbelltown West STP. This existing facility is located in South Londonderry Township, **Lebanon County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.215 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	<0.1	XXX	0.30
CBOD <sub>5</sub>						
May 1 - Oct 31	35.8	53.7	XXX	20	30	40
Nov 1 - Apr 30	44.8	71.7	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	53.7	80.6	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	5.3	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	16.1	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	3.5	XXX	XXX	2.0	XXX	4.0

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.

**PA0026743 A-1**, Sewage, SIC Code 4952, **Lancaster City Lancaster County**, 120 N Duke Street, Lancaster, PA 17608. Facility Name: Lancaster City STP. This existing facility is located in Lancaster City, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 32.08 MGD. There are also six combined sewer overflow outfalls included in the permit: 002, 003, 004, 005, 006, and 100. There are also three stormwater outfalls included in the permit: 007, 008, 009.

The amendment would allow the inlets and catch basins of the collection system to be checked and cleaned at least once per year instead of twice per year as part of the facility's Combined Sewer Overflow Long Term Control Plan [Part C. General Conditions, V. Combined Sewer Overflows].

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

The EPA Waiver is not in effect.

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

**PA0221830**, Sewage, SIC Code 4952, **West Sunbury Borough Municipal Authority Butler County**, PO Box 202, West Sunbury, PA 16061-0202. Facility Name: West Sunbury Borough STP. This existing facility is located in West Sunbury Borough, **Butler 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 is an unnamed tributary of South Branch Slippery Rock Creek, located in State Water Plan watershed 20-C and classified for cold water fish, 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 0.028 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	5.8	9.3	XXX	25	40	50
Total Suspended Solids	7.0	10.5	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia as Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	6.5	XXX	13
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	41

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

The EPA Waiver is in effect.

**PA0263958**, SIC Code 4952, **OM Recreation Inc.**, PO Box 126, Tionesta, PA 16353. Facility Name: Seldom Inn SFTF. This proposed facility is located in Green Township, **Forest County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from a proposed Small Flow Sewage Treatment Facility.

The receiving stream(s), Unnamed Tributary to Little Tionesta Creek, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
UV Transmittance (µw/cm <sup>2</sup> )	XXX	XXX	XXX	Geo Mean report	XXX	XXX

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

- eDMR Reporting

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 1512407**, Sewage, **Borough of Kennett Square**, 120 Marshall Street, Kennett Square, PA 19348. This proposed facility is located in the Borough of Kennett Square, **Chester County**.

Description of Action/Activity: Construction and operation of a new chemical feed system for phosphorous removal.

**WQM Permit No. 4609411**, Sewage, **East Norriton Township**, 2501 Stonebridge Street, East Norriton, PA 19401.

This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Action/Activity: Proposed bypass force main will discharge to existing gravity manhole which flow to Albert Einstein Medical Center Pump Station.

**WQM Permit No. 1512408**, Sewage, **East Vincent Township**, 262 Ridge Road, Spring City, PA 19475.

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

Description of Action/Activity: Construction and operation of a new wastewater treatment plant to take the place of the existing Veterans Center wastewater treatment plant.

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

**WQM Permit No. 0612403**, Sewerage, **Kutztown Road Association, Inc.**, Martin J. Rapoport, 6081 Fairway Lane, Allentown, PA 18106-9699.

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

Description of Proposed Action/Activity: Seeking permit approval for construction/operation of sewage facilities to serve The Rink, proposed roller skating facility.

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

**WQM Permit No. 2689404-A2**, Sewerage, **Fayette County Housing Authority**, 624 Pittsburgh Road, Uniontown, PA 15401-2214

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

Description of Proposed Action/Activity: Permit amendment application.

#### **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>
PAI01091111	Kinder Morgan Bulk Terminals, Inc. 1 Sinter Road Fairless Hills, PA 19030	Bucks	Falls Township	Delaware River (WWF-MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024012001	PPL Electric Utilities Marc St. Amour Two North Ninth St. GENN 3 Allentown, PA 18101	Luzerne	Conyngham Twp., Hollenback Twp., Sugarloaf Twp., Hazle Twp.	Susquehanna River, WWF, MF; Little Wapwallopen Creek, HQ-CWF, MF; Wapwallopen Creek, HQ-CWF, MF; Nescopeck Creek, HQ-CWF, MF; Little Nescopeck Creek, HQ-CWF, MF; Black Creek, CWF, MF; Stony Creek, CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507009(1)	The Spirit of Swiftwater, Inc. 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Pocono Twp.	Swiftwater Creek, HQ-CWF, MF

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, 570-253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026412001	Zaremba Group LLC 14600 Detroit Ave. Lakewood, OH 44107	Wayne	Honesdale Bor.	Lackawaxen River, HQ-TSF, MF

*Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, 570-836-2589.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026612001	S.T.J. Williams Family Partnership LTD P. O. Box 3655 Scranton, PA 18507	Wyoming	Eaton Twp.	Bowmans Creek, HQ-CWF, MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033612003	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster	Salisbury Township	Pequea Creek HQ-CWF
PAI026703002R	Gerard Lenhoff Gerard Builders, Inc. P. O. Box 301 New Providence, PA 17560	York	East Hopewell Township	UNT to Rambo Run EV

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*McKean County Conservation District, 17137 Route 6, Smethport PA 16749*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064212002	Keating Township PO Box 103 7160 Route 46 East Smethport PA 16730	McKean	Keating Township	Kinzua Creek CWF; Minard Run EV; Railroad Run EV; Droney Run EV; Wolf Run EV; Potato Creek TSF/WWF; UNTs Potato Creek CWF; Little Black Brook CWF; Marvin Creek CWF; Panther Run EV; Blacksmith Run HQ, CWF/ CWF

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

PAG-12 CAFOs

### CAFO Notices of Intent Received

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

**PAG128392, CAFO, Presque Isle Downs, Inc.**, 8199 Perry Highway, Erie, PA 16509-6640.

This proposed facility is located in Summit Township, **Erie County**.

Description of Size and Scope of Proposed Operation/Activity: Renewal of existing permit and expansion of number of stables from 500 to 600.

The receiving stream, Unnamed Tributary to Walnut Creek, is in watershed 15 and classified for: 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  
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS  
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (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.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**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>
Mike Boyer 255 Lake Meade Road East Berlin, PA 17316	Adams	15	704.04	Turkeys	NA	New

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demon-

strates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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



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

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

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

**A. Hunsinger 1H/3H Well Site**, 243 Lathrop Road, State Route 3001, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud as a result of a release from a reserve pit and mudshelf. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard and Background Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.

**C. LaRue 4H/5H Well Site**, State Route 3010, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud and pit contents as a result of a release which occurred when the drilling mud and pit contents escaped from the confines of the reserve pit liner. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard and Background Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.

**D. Grosvenor 1H/2V Well Site**, State Route 3001 and State Route 3019, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by brine fluid as a result of an accidental overflow of an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Final Report was simultaneously submitted.

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

**Saylor's IGA and Walter's Excavating, Inc.**, 37 Carlisle Road and 1 Mill Street, Newville, PA 17241, West Pennsboro Township, **Cumberland County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite

310, Harrisburg, PA 17110, on behalf of Apple Hill Business Advisors, Inc., 33 North Second Street, Harrisburg, PA 17101, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline, diesel fuel, No. 2 fuel oil and used motor oil. The site will be remediated to the Site-Specific Standard and remain commercial.

**Tremellen's Tire & Auto, Inc.**, 1071 Manheim Pike, Lancaster, PA 17601, City of Lancaster and Manheim Township, **Lancaster County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of 420 Real Estate LLC, c/o Loan Ranger, 22 East Mifflin Street, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded and unleaded gasoline. The site had formerly operated as a truck terminal and gasoline filling station. Future use will be non-residential. The site will be remediated to the Residential Statewide Health standard.

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

**Brodart—Memorial Avenue Site**, City of Williamsport, **Lycoming County**. AMEC E&I, Inc., 800 N. Bell Avenue, Suite 200, Carnegie, Pa 15106 on behalf of Brodart Company, 500 Arch Street, Williamsport, Pa 17701 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with VOCs, SVOCs, and metals. The applicant proposes to remediate the site to meet the Site Specific Standard.

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

**I-80 Eastbound MM 94 Diesel Fuel Spill Site**, Washington Township, **Jefferson County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 on behalf of JM Leasing Company, P. O. Box 27, Clarion, PA 16214 and Transportation Spill Solutions, P. O. Box 1067, Athens, GA 30603 has submitted a Notice of Intent to Remediate. A multiple vehicle accident occurred on January 2, 2012, resulting in the release of approximately 300 gallons of diesel fuel to the environment. The proposed remediation standard is Statewide Health Residential. Future use of the property will remain non-residential. The Notice of Intent to Remediate was published in *The Courier Express* on April 6, 2012.

#### RESIDUAL WASTE GENERAL PERMITS

**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.**

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

**General Permit Number WMGR113. Piney Creek LP**, 428 Power Lane, Clarion Pa 16214. General Permit Number WMGR113 authorizes beneficial use of non-hazardous coal tar and oil-contaminated waste as alternate fuels to be combined with waste coal/coal to produce specification fuel for circulating fluidized bed boilers (CFB). This general permit also authorizes the beneficial use of the resulting ash. Piney Creek LP requested modification of General Permit Number WMGR113 to allow use of non-hazardous wood waste, including wood

treated with creosote and pentachlorophenol, and fiberboard to also be used as alternative fuel. The application was received by Central Office on April 2, 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-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR113" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application No. WMGR097R023. NJ Zinc Brownfield, LLC**, 1120 Mauch Chunk Road, Palmerton, PA 18071-1110. This application is for research and development. The proposed research and development project involves mixing C&D fines with regulated fill to produce levels of compaction that will support structures for brownfield remediation activities. The application was determined to be administratively complete by Central Office on April 24, 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, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenudeall@pa.gov. When submitting via e-mail, place "Comments on WMGR097R023" 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.

#### **DETERMINATION FOR 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**

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

**General Permit No. WMGR082D003. Impact Environmental Consulting, Inc.**, 170 Keyland Court, Bohemia, NY 11716. Site: Total Recycling Fullerton Slag Bank, 1820 North Dauphin Street, Allentown, PA 18109-0674. The Department of Environmental Protection, Bureau of Waste Management has received a renewal application for a determination of applicability under the General Permit # WMGR082. The general permit WMGR082 is for processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag as a construction material. The application for renewal of the determination of applicability was determined administratively complete by Central Office on April 24, 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, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR082D003" 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.

## **AIR QUALITY**

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

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

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

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

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

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

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

### PLAN APPROVALS

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

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

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

**03-00185A: Vista Metals, Inc.** (1024 E Smithfield Street, McKeesport, PA 15135) to: increase VOC emissions from 37.6 tons to 49.9 tons, to increase amount lost each month from 4 tons to 5 tons, and to cease annually testing the Carbon Room dust collection system in favor of performing daily visual inspections per manufacturer's recommendations at the Kittanning Plant in East Franklin Township, **Armstrong County**. This is a State Only facility Plan Approval submittal. 11-00524B: United Industrial (163 Cramer Pike, Johnstown, PA 15906-1157) for installation of surface coating for a paint booth at the facility in West Taylor Township, Cambria County.

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

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

**37-300B: North American Forgemasters** (710 Moravia Street, New Castle, PA 16101) for construction of two (2) additional forge furnaces to provide capacity during the subsequent furnace removal and construction of six (6) new forge furnaces which will replace six existing forge furnaces in New Castle City, **Lawrence County**. This is a State Only facility.

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

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

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

**AMS 11353: Sunoco, Inc.** (3144 Passyunk Avenue, Philadelphia, PA 19145) to incorporate the NO<sub>x</sub> and SO<sub>2</sub> emission limit of the 1232 FCCU from the second amendment of the Consent Decree 05-CV-2866 in the City of Philadelphia, **Philadelphia County**. The facility is not modifying any equipment or increasing any emission due to this project. The permit will contain operating, monitoring, and recordkeeping requirements to assure compliance in accordance with the consent decree.

### OPERATING PERMITS

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

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

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

**09-00015: Rohm and Haas Co.** (200 Route 413, Bristol, PA 19007) for renewal of the Title V Operating Permit, issued on July 12, 2007, and amended on March 22, 2012 in Bristol Township, **Bucks County**. 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 Rohm and Haas Company is a diverse chemical manufacturing facility. The area source boiler MACT of 40CFR 63 Subpart JJJJJJ, and NESHAP of 40 CFR 63 Subpart VVVVVV, are not applicable. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00122: Arkema, Inc.—Altuglas International** (100 Route 413, Bristol, PA 19007) for a renewal of the Title V Operating Permit in Bristol Township, **Bucks County**. The initial permit was issued on 6-7-2007 and will expire on 6/30/2012. The facility manufactures a variety of acrylic molding resins that are used as the raw material in a variety of applications (i.e., lighting applications, tail light lenses, faucet handles, etc.). As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**13-00014: Silberline Manufacturing Co., Inc.** (130 Lincon Drive, P.O. Box B, Tamaqua, PA 18252) for operation of aluminum pigment manufacturing and boilers operation in Lansford Borough, **Carbon County**. This action is a renewal of the Title V Operating Permit. These sources have the potential to emit major quantities of regulated pollutants (VOC) above Title V emission thresholds. The proposed Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-949-705-4863*

**21-05038: Holy Spirit Hospital** (503 North 21st Street, Camp Hill, PA 17011) for operation of their hospital and medical services institution in East Pennsboro Township, **Cumberland County**.

In accordance with 25 Pa. Code § 127.463 the Department of Environmental Protection (DEP) has received an application and intends to issue a modification of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2011: 8 tons of NO<sub>x</sub>; 6 tons of CO; 1 ton of PM<sub>10</sub>; 1 ton of SO<sub>x</sub>; 0.5 ton VOC; 8,376 tons of CO<sub>2</sub>; and 8,379 tons of CO<sub>2e</sub>. The Operating Permit will be modified to incorpo-

rate updated requirements (40 CFR Part 60, Subpart Ce—Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators (HMIWIs)) for the HMIWI and new requirements (40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources) for the three boilers.

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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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 Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**49-00014: Jeraco Enterprises** (135 Sodom Road, Milton, PA 17847-9232) for renewal of the Title V Operating Permit for their facility in Milton Borough, **Northumberland County**. The facility's sources include eight heaters with heat input ratings ranging from 1.98 million Btu per hour to 0.15 million Btu per hour, a fiberglass reinforced plastics spray layup and cleanup operation, a resin storage tank and eight surface coating spray booths and associated cleanup operations. The facility has the potential to emit volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) above the major emission thresholds. The potential emission of nitrogen oxides (NO<sub>x</sub>), carbon monoxide, sulfur oxides (SO<sub>x</sub>) and particulate matter (PM/PM<sub>10</sub>) are below their respective major emission thresholds. The fiberglass reinforced plastics spray layup and cleanup operation and the resin storage tank are subject to Subpart WWWW of the federal National Emissions Standards for Hazardous Air Pollutants for Reinforce Plastic Composites Production, 40 CFR Sections 63.5780 through 63.5935, and the surface coating spray booths and associated cleanup operations are subject to Subpart PPPP of the federal National Emissions Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products, 40 CFR Sections 63.44800 through 63.4581. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00016: Plastic Development Co.** (PO Box 4007, Williamsport, PA 17701-0607) for renewal of the Title V operating permit for their facility in Williamsport, **Lycoming County**. The facility's sources include thirteen heaters with heat input ratings ranging from 0.184

million Btu per hour to 0.118 million Btu per hour, a gelcoat hand layup operation, a resin spray layup operation, a PVC cementing operation, a polyurethane foam operation, a surface coating operation, a cleanup operation and three fuel oil storage tanks. The facility has the potential to emit hazardous air pollutants (HAPs) above the major emission thresholds. The potential emission of nitrogen oxides (NO<sub>x</sub>), carbon monoxide, volatile organic compounds (VOCs), sulfur oxides (SO<sub>x</sub>) and particulate matter (PM/PM<sub>10</sub>) are below their respective major emission thresholds. The gelcoat hand layup operation, the resin spray layup operation and all associated cleanup operations are subject to Subpart WWWW of the federal National Emissions Standards for Hazardous Air Pollutants for Reinforce Plastic Composites Production, 40 CFR Sections 63.5780 through 63.5935. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**V11-003: Exelon Generating Co.—Richmond Station** (3901 North Delaware Avenue, Philadelphia, PA 19137) City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 838 MMBTU/hr combustion turbines and a 1.77 MMBTU/hr boiler.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

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

**48-00087: Federal White Cement, Inc.** (72 West 21st Street, Northampton, PA 18067-1276) for a Portland Cement Distribution Terminal in Northampton Borough, **Northampton County**. The facility's main sources include two cement distribution silos. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

*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

**22-03014: Stewart Amos Steel, Inc.** (4400 Paxton Street, Harrisburg, PA 17111) for operation of a steel surface coating operation at their Harrisburg plant in Swatara Township, **Dauphin County**.

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

The subject facility's volatile organic compound (VOC) emissions are usually less than two tons per year and the potential emissions are estimated at around five tons per year.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from both 25 Pa. Code § 129.52.

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 permit renewal, 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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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, Facilities 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.

**31-03003: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for a limestone crushing plant at their Orbisonia Quarry in Cromwell Township, **Huntingdon County**.

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

The subject facility has actual emissions of 2.0 tons per year of particulate matter and 0.8 tons per year of PM-10. 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 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 renewal, 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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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, PE, 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, protests or requests for a public hearing.

**07-05031: Union Tank Car Co.** (P. O. Box 2003, Altoona, PA 16603-2003) for a railroad tank car maintenance, repair and refurbishing facility located in the City of Altoona, **Blair County**.

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

The subject facility has actual emissions of 33.97 tons per year of volatile organic compounds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit renewal, 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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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, PE, 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, protests or requests for a public hearing.

**05-05001: Cycling Sports Group, Inc.** (172 Friendship Village Road, Bedford, PA 15522) for a bicycle assembly facility located in Bedford Township, **Bedford County**.

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

The subject facility has actual emissions of 0.14 tons per year of volatile organic compounds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit renewal, 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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and 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, PE, 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, protests or requests for a public hearing.

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

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

**08-00007: Leprino Foods Co.** (400 Leprino Avenue, Waverly, NY 14892-1384) for operation of their cheese production and manufacturing facility in the South Waverly Borough, **Bradford County**. The facility's main sources are four (4) 20.9 MMBTU/hr natural gas/#2 through #6 fuel oil fired boilers and a whey drying operation. This facility has the potential to emit sulfur oxides, (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and particulate matter less than 10 microns (PM<sub>10</sub>) below the major emission thresholds.

**41-00069: Fisher Mining Co.** (40 Choate Circle, Montoursville, PA, 17754-9791) for issuance of a state only operating permit for their facility in Williamsport, **Lycoming County**. The facility's source is a coal railcar loading operation. The potential emission of all air contaminants are below their respective major emission thresholds. The proposed state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**57-00002: Haines and Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) to issue a renewal state only operating permit for their Dushore Materials facility in Cherry Township, **Sullivan County**. The facility's major sources include four (4) stone crushers, three (3) screening units, and six (6) diesel-fired engines each rated between 99 and 890 horsepower. The proposed state only

operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

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

**26-00477: BAE Systems Land & Armaments, LP** (2198 University Drive, Lemont Furnace, PA, 15456) for custom picture framing shops and repair services at the Fayette Plant in North Union Township, **Fayette County**. This is a State Only Operating Permit Renewal application submittal.

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

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

**S11-029: Philadelphia Tramrail Company** (2207 East Ontario Street, Philadelphia, PA 19134) for the manufacturing of overhead cranes and hydraulic balers and compactors in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 1.75 MMBTU/hr #2 oil-fired space heaters and three (3) painting stations with filters.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**N12-007: SJA Construction, Inc.** (at 3600 S 26th Street Philadelphia, PA 19145) for operating Asphalt and Concrete Plant facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two Cement Bin, a 12CY Mixer, a C&W Baghouse and an Impact Crusher.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**N12-014: Tenet Health System—Hahnemann University Hospital** (at 230 North Broad Street, Philadelphia, PA 19107) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes nine (9) emergency generators, and three (3) fire pumps.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must

contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

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

**56951301 and NPDES No. PA0214850. RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541). To renew the permit for the Augustus Mine in Shade and Stonycreek Townships, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 23, 2012. Application received: October 31, 2011.

**03060701 and NPDES No. PA0235661. McVile Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). To renew the permit for the McVile Coal Refuse Disposal Area #2 in South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on April 27, 2012. Application received: November 3, 2011.

**32830701 and NPDES No. PA0215015. Pennsylvania Mines, LLC**, (2 North 9th Street, Allentown, PA 18101). To renew the permit for the Greenwich No. 2 Refuse Site in Green Township, **Indiana County** and Susquehanna Township, **Cambria County** for reclamation only and to revise the permit for a land use change to 11.5 acres from wildlife habitat to unmanaged natural habitat. Includes deletion of NPDES discharge point 001. No discharges. The application was considered administratively complete on April 30, 2012. Application received: January 30, 2012.

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

**30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC** (308 Dents Run Road, Morgantown, WV 26501). Revision application for land use change from forestland to post mining land use of unmanaged natural habitat to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 120.0 acres. Receiving streams: unnamed tributaries to Dunkard Creek and Monongahela River, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: Dunkard Valley Water Authority and Masontown Water Works. Application received: April 24, 2012.

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

**33120103 and NPDES Permit No. PA0259276. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Commencement, operation and restoration of a bituminous surface mine in Beaver Township, **Jefferson County** affecting 68.0 acres. Receiving streams: One unnamed tributary to Redbank Creek, two unnamed tributaries to Little Sandy Creek, and Brosius Run, all classified for the following uses: CWF. This application also includes a request to change

the post-mining land use from forestland to unmanaged natural habitat on the Ammon Anson Brosius property. Application received: April 23, 2012.

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

**14860103 and NPDES No. PA0115576. Keystone Coal Co.** (1375 Jackson St., Suite 401, Fort Myers, FL 33901). Renewal of an existing bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 199.0 acres. Receiving stream: unnamed tributary to Beech Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2012.

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

**49950202R3. Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine operation in Mt. Carmel Township, **Northumberland County** affecting 148.0 acres, receiving stream: Shamokin Creek, classified for the following use: warm water fishes. Application received: April 23, 2012.

**54860207R5. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in West Penn Township, **Schuylkill County** affecting 65.0 acres, receiving stream: Little Schuylkill River, classified for the following use: cold water fishes. Application received: April 25, 2012.

#### *Noncoal Applications Received*

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

**63090601 and NPDES Permit No. PA0251712. Arthur J. Boyle** (P. O. Box 400, Laughlintown, PA 15665). Revision application for land use change from forestland to post mining land use of unmanaged natural habitat to an existing large noncoal surface mine, located in East Bethlehem Township, **Washington County**, affecting 50.3 acres. Receiving streams: unnamed tributaries to Ten Mile Creek and Ten Mile Creek, classified for the following use: WWF. The potable water supplies intake within 10 miles downstream from the point of discharge: PA American Water Co., Brownsville Plant and Tri County Joint Municipal Authority. Application received: April 19, 2012.

**63920301 and NPDES Permit No. PA0203424. Langeloth Metallurgical Co., LLC** (10 Langeloth Plant Drive, Langeloth, PA 15054). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Smith Township, **Washington County**, affecting 13.0 acres. Receiving streams: unnamed tributary to Burgetts Fork, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 25, 2012.

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

**37950303. H & H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153) Application for a wetlands encroach-

ment to mine through 3.02 acres and reconstruct 4.75 acres of palustrine emergent—palustrine scrub/shrub wetlands in Lake Township, **Mercer County**. Receiving streams: Little Shenango River, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: April 25, 2012.

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

**58980807. Thomas J. Shields**, (1371 Baptist Hill Road, Hallstead, PA 18822), Stage I & II bond release of a quarry operation in Liberty Township, **Susquehanna County** affecting 2.0 acres on property owned by Thomas J. Shields. Application received: March 16, 2012.

**67010801. Craig E. Dallmeyer**, (4775 N. Sherman Street, Mt. Wolf, PA 17347), Stage I & II bond release of a quarry operation in East Manchester Township, **York County** affecting 5.0 acres on property owned by York Bakers Farm, LP. Application received: April 5, 2012.

**64072804. Joseph G. Bunnell**, (267 Tryon Street, Honesdale, PA 18431), Stage I & II bond release of a quarry operation in Texas Township, **Wayne County** affecting 5.0 acres on property owned by Joseph G. Bunnell. Application received: April 16, 2012.

**64020802. Bruce R. Stanton**, (43 Scott Center Road, Starrucca, PA 18462), Stage I & II bond release of a quarry operation in Preston Township, **Wayne County** affecting 1.0 acre on property owned by Bruce R. Stanton. Application received: April 19, 2012.

**66030804. Larry Trauger**, (152 Aleah Lane, Factoryville, PA 18419), Stage I & II bond release of a quarry operation in Falls Township, **Wyoming County** affecting 1.0 acre on property owned by Larry Trauger. Application received: April 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:



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

\*The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

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

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
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. PA0235989 (Mining Permit No. 56100701), Wilson Creek Energy, LLC**, (140 West Union Street, Suite 102, Somerset, PA 15501). A revision to the NPDES and mining activity permit for the Milford #3 Coal Refuse Disposal Area in Milford Township, **Somerset County** to change the water handling and add three NPDES outfalls. Surface Acres Affected 89.4. Receiving streams: South Glade Creek and Unnamed Tributaries to South Glade Creek, all classified for the following use: WWF. Casselman River TMDL. The application was considered administratively complete on March 19,

2012. Application received November 22, 2011.

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

The proposed average daily discharge rate for Outfall 001 is 0.08 MGD

Outfall 001 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for Outfall 001 Lat: 39° 57' 46" Long: 79° 09' 49" 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)		1.75	3.5	4.38
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				Monitor and Report
Flow				Monitor and Report
Osmotic Pressure (mOs/kg)				Monitor and Report
Total Dissolved Solids (mg/l)				Monitor and Report
Sulfates (mg/l)				Monitor and Report
Specific Conductance (umho)				Monitor and Report

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 0.07 MGD

Outfall 002 discharges to: South Glade Creek

The proposed effluent limits for Outfall 002 Lat: 39° 57' 31" Long: 79° 10' 07" 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)		1.75	3.5	4.38
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				Monitor and Report
Flow				Monitor and Report
Osmotic Pressure (mOs/kg)				Monitor and Report
Total Dissolved Solids (mg/l)				Monitor and Report
Sulfates (mg/l)				Monitor and Report
Specific Conductance (umho)				Monitor and Report

<sup>1</sup> The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 003 is 0.58 MGD

Outfall 003 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for Outfall 003 Lat: 39° 57' 47" Long: 79° 10' 02" 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)		1.75	3.5	4.38
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				Monitor and Report
Flow				Monitor and Report
Osmotic Pressure (mOs/kg)				Monitor and Report
Total Dissolved Solids (mg/l)				Monitor and Report
Sulfates (mg/l)				Monitor and Report
Specific Conductance (umho)				Monitor and 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. PA0069159 (Mining permit no. 11773037), Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for reclamation only on a surface mine in Conemaugh Township, **Cambria**

**County**, affecting 358.7 acres. Receiving stream(s): unnamed tributaries to/and Little Conemaugh River, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: January 31, 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 tributaries to/and Little Conemaugh River.

The treated wastewater outfall listed below discharge to unnamed tributary to Little Conemaugh River.

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

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

**NPDES No. PA0259161 (Permit No. 16110104). Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) New NPDES permit for a bituminous surface mine in Clarion Township, **Clarion County**, affecting 11.0 acres. Receiving streams: unnamed tributary to the Clarion River, classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: September 8, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.2	4.4	5.5
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		.75	1.5	1.9
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 to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	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)				5.5
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below discharge to unnamed tributary to the Clarion River:

This draft permit also addresses the following pre-existing substandard discharges which the applicant proposes to improve through re-mining:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
D1	Y

Under 25 Pa. Code § 87.207 the applicant will not incur liability for these discharges unless its activities cause the baseline pollution load(s) to increase. Should the applicant incur liability for the discharges, then the following effluent limits will apply:

<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)				5.5
Manganese (lbs/day)				0.1
Aluminum (lbs/day)				0.4
Alkalinity greater than acidity <sup>1</sup>				
Net Acidity (lbs/day)				3.0

<sup>1</sup> The parameter is applicable at all times.

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

**NPDES No. 0257796 (Mining Permit No. 17110108), RES Coal, LLC**, 8912 Clearfield-Curwensville Highway, Clearfield, PA 16830, new NPDES permit for bituminous coal surface mining in Gulich Township, **Clearfield County**, affecting 141 acres. Receiving streams: Little Muddy Run classified for the following use: High Quality-Cold Water Fishery (above Janesville Dam). Application received: June 24, 2011.

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

The outfalls listed below discharge to: Unnamed Tributaries to Little Muddy Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
TF-2	Y
TF-3	Y
TF-4	Y

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
TF-2	Y
TF-3	Y
TF-4	Y

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0241938 (Permit No. 10010309). Annandale Sandstone** (219 Goff Station Road, Boyers, PA 16020) Renewal of the NPDES permit for a large industrial minerals surface mine in Venango Township, **Butler County**, affecting 17.6 acres. Receiving streams: Unnamed tributary to Seaton Creek, classified for the following uses: CWF. TMDL: Seaton Creek. Application received: December 16, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Seaton Creek:

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

The outfall(s) listed below discharge to unnamed tributary to Seaton Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
01	N

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

**NPDES No. PA0223751 on Surface Mining Permit Nos. 52970301 and 5278SM4. G.F. Edwards, Inc.**, (204 SR 435, Elmhurst, PA 18444), renewal of an NPDES Permit for sandstone quarry operations in Greene Township, **Pike County**, affecting 173.06 acres. Receiving stream: Wallenpaupack Creek, classified for the following use: HQ-cold water fishes. Application received: March 13, 2012.

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

The outfall(s) listed below discharge to Wallenpaupack Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	E&S/Stormwater

## **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*

**E09-873 Warrington Township**, 7852 Easton Road, Warrington Township, **Bucks County**, ACOE Philadelphia District.

To amend previously authorized Permit No E09-873 associated with the proposed water obstruction and encroachment activity across Little Neshaminy Creek (WWF, MF):

1. To construct and maintain a 4-foot long, 70-foot span, 3.75-foot high pedestrian bridge. This work includes the associate trail modifications on the approaches to the bridge.

The project will permanently impact approximately 10 linear feet of stream. The site is located approximately 397 feet southeast of the terminus of Bradley Road in Warrington Township, Bucks County (Ambler, PA USGS Quadrangle N: 20.22 inches; W: 5.99 inches).

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

**E39-517. City of Allentown, Department of Public Works**, 641 South 10th Street, 3rd Floor, Allentown PA 18103-3173, City Of Allentown, **Lehigh County**, U.S. Army Corps Of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a 48.5-foot wide composite prestressed concrete bulb-tee bridge across Cedar Creek (HQ-CWF, MF) having a 90-foot span and an 8-foot approximate underclearance. The project is located on Union Street approximately 0.1 mile east of its intersection with St. Elmo Street (Allentown East, PA Quadrangle Latitude: 40°35'31"; Longitude: -75°29'52") in the City of Allentown, Lehigh County.

**E45-573. Jan Lorenz**, 19 Skyview Drive, Scotrun, PA 18355, in Pocono Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 0.35-acre off-stream excavated pond in the floodway of a tributary to Dry Sawmill Run (HQ-CWF, MF) with a 4-inch diameter PVC intake pipe from the tributary crossing approximately 6 feet of EV wetlands and a 6-inch diameter PVC outlet pipe to the tributary crossing approximately 4 feet of EV wetlands. The project is located at 19 Skyview Drive (Pocono Pines, PA Quadrangle, Latitude: 41°04'20"; Longitude: -75°22'33").

**E52-236. Delaware Valley School District**, 258 Route 6 & 209, Milford, PA 18337, in Westfall Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Rosetown Creek (HQ-CWF, MF) consisting of a 24-inch diameter smooth-lined corrugated polyethylene pipe, flared end section and rock outlet protection. The outfall is associated with the Delaware Valley High School Gym Addition. The project is located on the south side of Route 6 & 209 approximately 1 mile west of the Interstate-84, Exit 53 Interchange (Port Jervis South, NY-NJ-PA Quadrangle, Latitude: 41°20'59"; Longitude: -74°44'08").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E67-900: Codorus Ventures, LLC, Hills at Valley View**, 113 Westminster Road, Reisterstown, MD 21136, in Codorus Township, York County, ACOE Baltimore District

To: 1) construct and maintain a 64.0-foot long, 6.0-inch depressed, 72.0-inch × 113.0-inch elliptical reinforced concrete pipe in an unnamed tributary to Codorus Creek (TSF, MF) with depressed riprap aprons extending 10.0 feet upstream and 35.0 feet downstream; 2) construct and maintain a 37.0-foot long, 6.0-inch depressed, 72.0-inch × 113.0-inch elliptical reinforced concrete pipe in an unnamed tributary to Codorus Creek (TSF, MF) with depressed riprap aprons extending 10.0 feet upstream and 30.0 feet downstream; 3) construct and maintain a 10.0-foot wide, single span pedestrian bridge having a normal span of 23.0 feet and an underclearance of 4.0 feet across an unnamed tributary to Codorus Creek (TSF, MF); and 4) install and maintain two 8.0-inch sewer lines in and across an unnamed tributary to Codorus Creek (TSF, MF), all for the purpose of constructing a residential development. The project is located at 5137 Sinsheim Road, Spring Grove, Pennsylvania 17362 (Seven Valleys, PA Quadrangle; Latitude: 39°48'36.9", Longitude: -76°51'9.1") in Codorus Township, York County.

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-031: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, New York, 14845, Elkland and Fox Townships, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 191 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'33"N, 76°39'18"W);

(2) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 193 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'34"N, 76°39'18"W);

(3) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 17 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'35"N, 76°39'19"W);

(4) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 194 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'45"N, 76°39'31"W);

(5) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 72 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk Quadrangle 41°32'45"N, 76°39'32"W);

(6) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 191 linear feet of Elk Creek (EV) (Shunk Quadrangle 41°32'57"N, 76°40'05"W);

(7) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 2,576 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'50"N, 76°40'32"W);

(8) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'38"N, 76°41'13"W);

(9) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 133 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk Quadrangle 41°32'38"N, 76°41'13"W);

(10) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 190 linear feet of an unnamed tributary to Porter Creek (EV) (Shunk Quadrangle 41°32'14"N, 76°41'54"W);

(11) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 530 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk Quadrangle 41°32'14"N, 76°41'55"W);

(12) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 2,075 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'15"N, 76°41'57"W);

(13) A temporary road crossing using a wood mat bridge and a 16 one 16.0-inch diameter gathering line impacting 224 linear feet of Porter Creek (EV) (Shunk Quadrangle 41°32'16"N, 76°42'29"W);

(14) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 94 linear feet of an unnamed tributary to Porter Creek (EV) (Shunk Quadrangle 41°32'14"N, 76°42'30"W);

(15) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 2,683 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'15"N, 76°43'03"W);

(16) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 418 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°32'16"N, 76°43'11"W);

(17) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 128 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk Quadrangle 41°32'22"N, 76°43'37"W);

(18) A temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 190 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk Quadrangle 41°32'24" N, 76°43'46" W);

(19) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 6,339 square feet of an palustrine scrub/shrub (PSS) wetland (Shunk Quadrangle 41°32'28"N, 76°44'06"W);

(20) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 1,410 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk Quadrangle 41°32'36"N, 76°44'34"W);

(21) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 205 linear feet of Hoagland Branch (EV) (Shunk Quadrangle 41°32'36"N, 76°44'35"W);

(22) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 540 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°32'31"N, 76°44'48"W);

(23) A temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 581 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°32'30"N, 76°44'51"W);

(24) A temporary road crossing using a mobile steel bridge and a 16 inch diameter gathering line impacting 216 linear feet of Fall Run (EV) (Grover Quadrangle 41°32'27"N, 76°45'04"W);

(25) A temporary road crossing using a wood mat bridge and a 16 inch diameter well line impacting 121 linear feet of an unnamed tributary to Fall Run (EV) (Grover Quadrangle 41°32'19"N, 76°45'09"W).

The project will result in 17,224 square feet of temporary wetland impacts and 2,479 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Elkland and Fox Township, Sullivan County. The permittee will provide 0.29 acre of compensatory mitigation for impacts throughout the project at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

**E1729-004. Energy Corporation of America.** 1380 Route 286 Hwy E., Suite 221, Indiana, PA 15701. COP Tract 324A Project, in Girard Township, **Clearfield County**, ACOE Baltimore District. (The Knobs, PA Quadrangle, Latitude: N41°09'44.0", Longitude: W78°18'53.0").

Applicant proposes to construct, operate, and maintain fill in 1522.0 square feet (0.03 acre) of isolated palustrine emergent (PEM) wetlands located on an existing shallow gas well pad in order to convert the existing shallow natural gas wellsite into a Marcellus Shale wellsite.

**E6629-006: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Windham and North Branch Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 3,406 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°33'54", Longitude: W76°12'49");

2. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 3,515 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'05", Longitude: W76°12'38");

3. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 511 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'18", Longitude: W76°12'40");

4. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 168.0 linear feet of Sugar Run Creek (CWF, MF) and 12,018 square feet of Palustrine Emergent/Palustrine Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'33", Longitude: W76°12'36");

5. one 16 inch diameter natural gas line via open cut trenching and a temporary timber mat crossing impacting 1,009 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°34'52", Longitude: W76°12'41");

The project will result in 168.0 linear feet of temporary stream impacts, 7,412 square feet (0.17 acre) of temporary PEM wetland impacts, 12,018 square feet (0.28 acre) of temporary PEM/PSS wetland impacts, and 1,009 square feet (0.02 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

**E6629-007: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Windham Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Rosalie Gathering Line, with impacts as follows:

1. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 984 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'12.8", Longitude: W76°11'40.6");

2. one 12 inch diameter natural gas line via boring impacting 122 square feet of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°36'12.2", Longitude: W76°11'38.4");

3. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 40.0 linear feet of a UNT to Roaring Run (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°33'11.6", Longitude: W76°11'35.2");

4. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 51.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'54.8", Longitude: W76°10'37.4");

5. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,634 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'54.7", Longitude: W76°10'35.9");

6. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 81.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'49.0", Longitude: W76°10'14.5");

7. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 4,739 square feet of Palustrine Emergent/Open Water (PEM/POW) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'44.7", Longitude: W76°09'54.1");

8. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 1,584 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'39.5", Longitude: W76°09'24.4");

9. one 12 inch diameter natural gas line via open cut trenching impacting 21.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'40.7", Longitude: W76°09'07.5");

10. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 2,044 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'46.3", Longitude: W76°09'01.2"); and

11. one 12 inch diameter natural gas line via open cut trenching and a temporary road crossing impacting 319.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'51.0", Longitude: W76°08'56.1").

The project will result in 512.0 linear feet of temporary stream impacts, 3,150 square feet (0.07 acre) of temporary PEM wetland impacts, 3,218 square feet (0.07 acre) of temporary PEM/PSS wetland impacts, and 4,739 square feet (0.11 acre) of temporary PEM/POW wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8460, Harrisburg, PA 17105-8460*

**D64-023. Perch Pond Dam, Camp Starlight, Inc.**, 151 Starlight Lake Road, Starlight, PA 18461. To modify, operate, and maintain the Perch Pond Dam across a tributary to Shehawken Creek (HQ-CWF), having no proposed impacts to waterways or wetlands, for the purpose of rehabilitating and repairing the existing recreational dam to ensure compliance with Department regulations. (Hancock, PA Quadrangle N: 3.2 inches; W: 4.0 inches) in Preston Township, **Wayne County**.

#### STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12009	Bri-Chem Supply Corporation 59 Industrial Drive Leetsdale, PA 15056 Attn: John Hazlewood	Allegheny	Leetsdale Borough	4 ASTs storing base oil and drilling fluids	75,600 gallons total

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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>
PA0064106 (Sewage)	Benton Nicholson Joint Sewer Authority WWTP Cobb Hill Road Nicholson, PA 18446	Wyoming County Nicholson Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y
PA0060496 (Sewage)	Little Washington WW Co. Mast Hope Development WWTP Mast Hope Rapids Hawley, PA 18428	Pike County Lackawaxen Township	Delaware River (1-A)	Y



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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0088668 (Sew)	J Wilmer Lehman Metal Township Municipal Authority PO Box 232 Fannettsburg, PA 17221	Franklin County / Metal Township	West Branch Conococheague Creek / 13-C	Y
PA0259942 (Sew)	Steven Nye 38 Harmon Rd. Newburg, PA 17240	Cumberland / Upper Mifflin Township	Three Square Hollow Run / 7-B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0209350 (Sewage)	Delmar Township Smithville Heise Run Road Wellsboro, PA 16901	Tioga County Delmar Township	Heise Run (9-A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0254525 Sewage	Trader's Path Crossing MHP 100 Lorraine Drive Lower Burrell, PA 15068	Westmoreland County Lower Burrell City	Chartiers Run	Y

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

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

**NPDES Permit No. PA0020885, Amendment No. 3**, Sewage, **Mechanicsburg Borough**, 36 West Allen Street, Mechanicsburg, PA 17055.

This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PA0261530, Amendment No. 1**, Sewage, **Roddy A. Runyan**, 1370 Waggoners Gap Road, Carlisle, PA 17013.

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

Description of Proposed Action/Activity: Transfer of Permit.

**NPDES Permit No. PA0009164, Amendment No. 2**, Industrial Waste, **Standard Steel, LLC**, 500 North Walnut Street, Burnham, PA 17009-1644.

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

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

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

**PA0024091 A-1**, Sewage, SIC Code 4952, **Millville Borough**, PO Box 30, Millville, PA 17846-0030. Facility Name: Millville Borough Sewer System STP. This existing facility is located in Millville Borough, **Columbia County**.

Description of Existing Activity: The action is an NPDES permit amendment for an existing discharge of treated sewage. The amendment only modifies the existing fecal coliform limitations, copper limitations, and all other Chapter 92a related permit boiler plate modifications.

The receiving stream(s), Little Fishing Creek, is located in State Water Plan watershed 5-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Total Copper	0.13	0.20	XXX	0.052	0.081	XXX
		Daily Max			Daily Max	

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

The EPA Waiver is in effect.

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

**NPDES Permit No. PA0254517**, Sewage, **Robert E. Lape**, 1004 Wildflower Court, Davidsville, PA 15928

This proposed facility is located in Jenner Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for discharge of treated sewage from a single residence sewage treatment facility.

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

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

**WQM Permit No. 0990418**, Sewage, Transfer, **Joseph F. Hogan**, 820 Cherry Lane, Newtown, PA 18940-3655.

This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: Permit transferred of ownership with continued operation of a small flow sewage treatment plant.

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

**WQM Permit No. 3512401**, Sewage, SIC Code 8221, **Lackawanna College**, 501 Vine Street, Scranton, PA 18509.

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

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a 945 GPD peak flow small flow treatment facility (septic tank, Marsh machine greenhouse) with reuse of treated disinfected effluent for toilet flushing or disposal via evapotranspiration, with zero discharge to the environment.

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

**WQM Permit No. 2112403**, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428.

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

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a sanitary sewer pumping station located near Windsor Park.

**WQM Permit No. 2111404, Transfer No. 1**, Sewerage, **Roddy A. Runyan**, 1370 Waggoners Gap Road, Carlisle, PA 17013.

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

Description of Proposed Action/Activity: Transfer of Permit.

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

**WQM Permit No. WQM1400403-A3**, Sewerage [SIC 4952], **Martha's Furnace MHP, LLC.**, 105 Peppermint Lane, Julian, PA, 16844.

This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: The modifications to the existing facility consist of the installation of a Membrane Bioreactor (MBR) treatment system to replace the activated sludge extended aeration plant.

**WQM Permit No. 0805201**, Industrial Waste, SIC Code 2011, **Cargill Meat Solutions Corp**, PO Box 188, Wyalusing, PA 18853-0188.

This existing facility is located in Wyalusing Township, **Bradford County**.

Description of Proposed Action/Activity: Permit amendment issued authorizing design, construction and operation of upgraded industrial wastewater treatment system.

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

**WQM Permit No. 5611401**, Sewerage, **Robert E. Lape**, 1004 Wildflower Court, Davidsville, PA 15928

This proposed facility is located in Jenner Township, **Somerset County**

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

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

**WQM Permit No. WQG018836**, Sewage, **Lisa & Tim Williams**, 1772 Saxonburg Boulevard, Tarentum, PA 15084.

This proposed facility is located in Tionesta Township, **Forest County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG028331**, Sewerage, **Lafayette Township**, 7534 Route 59, Lewis Run, PA 16738

This proposed facility is located in Lafayette Township, **McKean County**.

Description of Proposed Action/Activity: This General Permit approves the construction and operation of a sewer extension and pump station.

**WQM Permit No. WQG018837**, Sewage, **David J. & Lisa J. Burek**, 354 Lynnhaven Drive, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG028332**, Sewerage, **Millcreek Township Sewer Authority**, 3806 West 26th Street, Erie, PA 16506

This proposed facility is located in the City of Erie, **Erie County**.

Description of Proposed Action/Activity: This General Permit approves the construction and operation of a sewer extension for Hershey-Grubb Road Area.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025406004R	KP Tamaqua, L.P. 2700 Water St. York, PA 17405	Schuylkill	Rush Twp.	Nesquehoning Creek, HQ-CWF, MF
PAI024512001	Frank J. Riccobono P. O. Box 1217 Marshalls Creek, PA 18335	Monroe	Pocono Twp.	Pocono Creek, HQ-CWF, MF
PAI023911019	St. Luke's Hospital & Health Network 1736 Hamilton St. Allentown, PA 18104	Lehigh	City of Allentown	Cedar Creek, HQ-CWF, MF

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

*Jefferson County Conservation District, 1514 Route 28, Brookville PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063311004	Clearfield Jefferson County Regional Airport Authority 377 Aviation Way Reynoldsville Pa 16581	Jefferson	Washington Township	UNT Keys Run HQ; CWF

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

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

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

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

PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Plumstead Township Bucks County	PAG0200 0910011-R	Michael Noftsger 6102 Point Pleasant Road Doylestown, PA 18902	North Branch Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township and Multiple Townships Bucks County	PAG0200 0911079	Bucks Co Water & Sewer Auth 1275 Almshouse Road Warrington, PA 18976	Neshaminy, Pennypack and Poquessing Creeks (WWF-MF; TSF-MF; WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0912023	David Callan 159 North State Street Newtown, PA 18940	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1511041	Chester County Facilities Dept 313 West Market St, Ste 5402 PO Box 2748 West Chester, PA 19380-0991	Valley Creek—West (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sadsbury Township Chester County	PAG0200 1505035-R	Cosmos Properties, LP 2949 Lincoln Highway, 2nd Fl PO Box 10 Sadsburyville, PA 19369	Buck Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Oxford Township Chester County	PAG0200 1504078A-1-R	Oxford Area Sewer Authority 14 South Third Street PO Box 379 Oxford, PA 19363	Leech Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4611073-1	Todd Burch 225 West Washington Street Indianapolis, IN 46204	Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4609012-1	Pastor Hanks Choi 3260 Morris Road Lansdale, PA 19446	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bushkill Twp., Northampton Co.	PAG02004811009	Raymond Orwig 220 East Lawn Road Ste. 12 Nazareth, PA 18064	UNT Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971

<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>
Upper Nazareth Twp. and Nazareth Borough Northampton Co.	PAG02004811004	Susan C. Drabic Moravian Hall Square 175 West North St. Nazareth, PA 18064	UNT Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Palmer Twp., Northampton Co.	PAG02004810002(1)	Gary J. Strausser Strausser Enterprises, Inc. 1108 VanBuren Road Easton, PA 18045	Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Upper Saucon Twp., Lehigh Co.	PAG02003911007	Steve Messerschmidt First Horizon Home Loans 165 Madison Ave. 3rd Flr. Memphis, TN 38103	Laurel Run Tributary to Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Orwigsburg Bor., Schuylkill Co.	PAG02005406028R	Rhodes Organization Attn: Michael Rhodes 813 S. Reading Ave. Boyertown, PA 19512	UNT to Pine Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Reading City Berks County	PAG02000610035R	Dean Miller Reading Area Water Authority 815 Washington Street Reading, PA 19601	Schuylkill River/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Lower Heidelberg Township Berks County	PAG02000612007	Terrence McGlenn 540 Brownsville Road Sinking Spring, PA 19608	Little Cacoosing Creek/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Hampden Township Cumberland County	PAG02002112015	Jordan Richard Smith Land and Improvement Corporation 2010 State Road Camp Hill, PA 17011	Tributary to Conodoguinet Creek/WWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Hampden Township Cumberland County	PAG02002105040R(1)	Richard Yingst Fishing Creek Valley Assoc. 4712 Smith Street Harrisburg, PA 17109	Pine Run to Conodoguinet Creek/WWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Hampden Township Cumberland County	PAG02002111011	William Shrader Giant Food Stores, LLC 1149 Harrisburg Pike Carlisle, PA 17013	Pine Run/CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
West Hanover Township Dauphin County	PAG02002212013	Harry C. Nye 221 S. Filey's Road Dillsburg, PA 17019	Beaver Creek/WWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100

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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>
West Hanover Township Dauphin County	PAG02002212010	Huan Le 2810 Paxton St Harrisburg, PA 17111	Beaver Creek/WWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
West Hanover Township Dauphin County	PAG02002212011	Andrew Williams Lexington Partners 2325 Paxton Church Road Harrisburg, PA 17110	Beaver Creek/WWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Middle Paxton Township Dauphin County	PAG02002212005	Reverend Paul Clark Saint Matthew's Parish PO Box 459 Dauphin, PA 17018	Stony Creek/CWF	Dauphin County Conservation Dist 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
Rye Township Perry County	PAG02035012002	Richard Albright 67 Fleisher Road Marysville, PA 17053	UNT to Fishing Creek/WWF	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701 570.327.3636*

<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>
Sayre Borough Bradford County	PAG02000812008	Jack McLain Norfolk Southern Railway Company 1200 Peachtree St NE 7-142 Atlanta GA 30309	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
North Towanda Township Bradford County	PAG02000812020	James Bower Canyon Real Estate LP 18 E Ave Wellsboro PA 16901	Hemlock Run WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
College Township Centre County	PAG02001410002R	Neidi Nicholas NPK Southridge Assoc 210 W Hamilton Ave State College PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Belleville PA 16823 Phone: (814) 355-6817

<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>
Ferguson Township Centre County	PAG02001412005	Bruce Pincus Minitab Inc 1829 Pine Hall Rd State College PA 16801	Trib to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
Grugan Township Clinton County	PAG02001811007	PA DCNR-Forestry PO Box 8451 Harrisburg PA 17105	West Branch Susquehanna River WWF, MF	Clinton County Conservation District 45 Cooperation Lane Mill Hall PA 17751 (570) 726-3798
Borough of Wellsboro Tioga County	PAG02005912004	Dennis Phelps 10 Public Ave Montrose PA 18801	Boyden Brook WWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5
White Deer Township Union County	PAG02006011015	John Moran 202 E 7th St Watsontown PA 17777	Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860
City of Hermitage Mercer County	PAG02004311011	LRC Hermitage PA LLC Commercial Development Attn: Kevin Woodman 1585 Frederick Blvd Akron OH 44320	Bobby Run WWF	Mercer County Conservation District 724-662-2242
City of Farrell Mercer County	PAG02004312001	Choice Farrell Homes LP Peggy Smith 5309 Transportation Blvd Cleveland OH 44126	Shenango River WWF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Clearfield Borough Clearfield County	PAR314814	Vanderra Resources, LP P O Box 122448 Fort Worth, TX 76121	West Branch Susquehanna River—8-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Asylum Township Bradford County	PAR314816	Heckmann Water Resources Cvr Inc. 300 Cherrington Parkway Suite 200 Coraopolis, PA 15108	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

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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>
Berwick Borough Columbia County	PAR124817	Penford Carolina LLC 920 7th Avenue Berwick, PA 18603	East Branch Briar Creek—5-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Loyalsock Township Lycoming County	PAR124804	Schneider Valley Farms 1860 East Third Street Williamsport, PA 17701	West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Franklin Township Snyder County	PAR214824	US Concrete 3369 Paxtonville Road Middleburg, PA 17842	Unnamed Tributary of Middle Creek— 6-A	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>
Parker Township Butler County	PAR308304	Thomas E. Siegel 208 Woodland Road Shippensburg, PA 16254	Unnamed Tributary to Bear Creek (17-C)	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Meadville City Crawford County	PAR118318	Seco/Warwick 180 Mercer Street Meadville, PA 16335	French Creek (16-D)	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

*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>
Tionesta Township Forest County	PAG041068	Lisa & Tim Williams 1772 Saxonburg Boulevard, Tarentum, PA 15084	Unnamed Tributary to the Allegheny River 16-F	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



<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>
Hayfield Township Crawford County	PAG041069	David J. & Kelly J. Burek 354 Lynnhaven Drive, Saegertown, PA 16433	Unnamed Tributary to the Brookhouser Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-07*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Philadelphia Renewable Biofuels Philadelphia County City of Philadelphia	PAG070012	Synagro-WWT, Inc. 3501 Asiatic Avenue Balto, MD 21226	Philadelphia Renewable Biofuels 7990 Penrose Ferry Road Philadelphia, PA 19153	Southeast Region Clean Water Program 484.250.5970

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office &amp; Phone No.</i>
Solebury Township Bucks County	PAG10-0037	Texas Eastern Transmission, LP 5400 Westheimer Court 5D-65 Houston, TX 77056	Pennsylvania Canal	Southeast Region Clean Water Program 484-250-5970

*General Permit Type—PAG-12*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Harrison Township Potter County	PAG124824	Lane Farms 750 Woodard Road Harrison, PA 16927-9434	Cowanesque River—4-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

**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.

NUTRIENT MANAGEMENT PLAN  
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>
Jobo Holstein Farm, LLC 200 Tall Oaks Road Gettysburg, PA 17325	Adams	1007.8	1609.88	Dairy	NA	Approved
Hillandale Gettysburg, LP Hillandale 94 Farm 6108 Carlisle Pike East Berlin, PA 17316	Adams	34.5	1562.4	Poultry- Layer	NA	Approved
Rowe Family Farm David Rowe 216 Pawling Station Rd Selinsgrove, PA 17870	Snyder	117.0 Acres But 0 for manure App.	557.08	Swine, Poultry	N/A	Approval

**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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 6712505 MA, Minor Amendment, Public Water Supply.**

Applicant **Sensenig Meats**  
Municipality Heidelberg Township  
County **York**  
Responsible Official Wesley Sensenig, Owner  
6999 Cannery Road  
Hanover, PA 17331  
Type of Facility Nitrate treatment.  
Consulting Engineer Janet R McNally, P.E.  
William F Hill & Assoc., Inc.  
207 Baltimore St.  
Gettysburg, PA 17325  
Permit to Construct Issued: 4/27/2012

**Permit No. 0511506 MA, Minor Amendment, Public Water Supply.**

Applicant **West St. Clair Township/Pleasantville Borough Municipal Water Authority**  
Municipality West St. Clair Township  
County **Bedford**  
Responsible Official Richard Barefoot, President  
151 Industrial Lane  
Alum Bank, PA 15521  
Type of Facility 4-log Treatment of Viruses.  
Consulting Engineer 1 - Not Available  
Permit to Construct Issued: 4/24/2012

**Permit No. 6711524 MA, Minor Amendment, Public Water Supply.**

Applicant **Newberry Farms**  
Municipality Newberry Township  
County **York**  
Responsible Official James Perano, COO  
PO Box 677  
Morgantown, PA 19543  
Type of Facility 4-log treatment of viruses.

Consulting Engineer James A. Cieri, P.E.  
ACT ONE Consultants, Inc.  
200 S. 41 Street  
Harrisburg, PA 17111

Permit to Construct 4/24/2012  
Issued:

**Permit No. 6712508 MA, Minor Amendment, Public Water Supply.**

Applicant **The York Water Company**  
Municipality West Manheim Township  
County **York**  
Responsible Official Mark S Snyder, Engineering  
Manager  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Type of Facility Nitrate treatment.

Consulting Engineer Mark S Snyder, P.E.  
The York Water Company  
130 East Market Street  
PO Box 15089  
York, PA 17405-7089

Permit to Construct 4/27/2012  
Issued:

**Operations Permit** issued to: **City of Lancaster**, 7360058, West Lampeter Township, **Lancaster County** on 4/23/2012 for the operation of facilities approved under Construction Permit No. 3611504.

**Operations Permit** issued to: **Green Acres MHP**, 7380018, North Lebanon Township, **Lebanon County** on 4/16/2012 for the operation of facilities submitted under Application No. 3811516 MA.

**Operations Permit** issued to: **Pine Manor MHP**, 7220029, Londonderry Township, **Dauphin County** on 4/16/2012 for the operation of facilities submitted under Application No. 2211515 MA.

**Operations Permit** issued to: **New Enterprise Water Association**, 4050033, South Woodbury Township, **Bedford County** on 4/24/2012 for the operation of facilities approved under Construction Permit No. 0511504 MA.

**Operations Permit** issued to: **Forest Lakes Water Association**, 7670106, Shrewsbury Township, **York County** on 4/10/2012 for the operation of facilities submitted under Application No. 6711519 MA.

**Operations Permit** issued to: **Osterburg Water Company**, 4050030, King Township, **Bedford County** on 4/9/2012 for the operation of facilities submitted under Application No. 0511507 MA.

**Operations Permit** issued to: **Best Western Hotel**, 4050370, East Providence Township, **Bedford County** on 4/10/2012 for the operation of facilities submitted under Application No. 0512506 MA.

**Operations Permit** issued to: **Elizabethtown Area Water Authority**, 7360124, Elizabethtown Borough, **Lancaster County** on 4/24/2012 for the operation of facilities submitted under Application No. 7360124.

**Operations Permit** issued to: **Round Top RV, LLC**, 7010046, Cumberland Township, **Adams County** on 4/24/2012 for the operation of facilities submitted under Application No. 0112501 MA.

**Operations Permit** issued to: **Broad Top City Water Authority**, 4310023, Broad Top City Borough, **Huntingdon County** on 4/9/2012 for the operation of facilities submitted under Application No. 3111508 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

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

Applicant **Aqua Pennsylvania, Inc.**  
[Township or Borough] Penn Township

County **Snyder**  
Responsible Official Patrick R. Burke, Regional  
Manager  
Northeast and Central Operations  
Aqua Pennsylvania, Inc.  
1 Aqua Way  
White Haven, PA 18661

Type of Facility Public Water Supply

Consulting Engineer William A. LaDieu P.E.  
CET Engineering Services—GHD  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit Issued April 25, 2012

Description of Action Construction of 64 feet of 24-inch diameter detention piping 4-log inactivation of viruses in groundwater that has been pumped from Well No. 3, at a peak rate of 65 gallons per minute, and has been chlorinated before flowing through this detention piping and arriving at the new Groundwater Rule compliance monitoring point, prior to Entry Point 100 to the distribution system.

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

**Permit No. 1011508 Public Water Supply**

Applicant **Slippery Rock Municipal Authority**

Township or Borough Slippery Rock Township

County **Butler**

Type of Facility Public Water Supply

Consulting Engineer Daniel E. Dow, P.E.  
Herbert, Rowland & Grubic, Inc.  
200 West Kensinger Drive, Suite 400  
Cranberry Township, PA 16066

Permit to Construct April 26, 2012  
Issued

**Permit No. 4311503 Public Water Supply**

Applicant **Eagle Developing Corporation d/b/a Sunnyview Mobile Home Park**

Township or Borough Pymatuning Township

County **Mercer**

Type of Facility Public Water Supply

Consulting Engineer Joseph P. Pacchioni, P.E.  
Herbert, Rowland & Grubic, Inc.  
3755 East State Street  
Hermitage, PA 16148

Permit to Construct April 27, 2012  
Issued

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Feasterville Plaza Shopping Center**, Lower Southampton Township, **Bucks County**. Michael A. Christie, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440, Deborah A. Colson, Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD on behalf of Jeffrey W. Franz, FTP Feasterville Plaza, LP, 1138 Sewell Lane, Jenkintown, PA 19046 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with

inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard and Statewide Health Standard.

**Green Wood Charter School**, City of Philadelphia, **Philadelphia County**. Toby J. Kessler, P.G. Gilmore & Associates, Inc., 65 East Avenue, Suite 100, New Britain, PA 18901 on behalf of Green Wood Charter School, 8480 Hagys Mill Road, Philadelphia, PA 19128, Donna Lee Sickenberger, Keenan Valley View Inn, 468 Domino Lane, Philadelphia, PA 19128 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with benzo, arsenic and lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Sunoco Inc. Philadelphia Refinery Schuylkill River Tank Farm AO1-7**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, James Oppenheim, Colleen Costello, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Scott Baker, Sunoco, Inc., (R&M) 3144 Passyunk Avenue, PA 19145 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Krasny Residence**, Lower Merion Township, **Bucks County**. Thomas Hippensteal, Environsearch Consultants, Inc., PO Box 940, Springhouse, PA 19477 on behalf of Scott Krasny, 1007 Yardley Road, Yardley, PA 19067 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Amos Realty LP**, Ridley Township, **Delaware County**. Phil Getty, Boucher & James, Inc., 1456 Ferry Road, Doylestown, PA 18901, Greg Tax, US Environmental, 409 Boot Road, Downingtown, PA 19335 on behalf of Mike Evans, Amos Realty LLP, 126 Talbot Avenue, Holmes, PA 19403 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**777 South Broad Street**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, William Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Josh Weingra, 777 South Broad Associates, LP, 3180 Chestnut, Street, Philadelphia, PA 19104 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, benzo and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Quality Gas**, Warwick Township, **Bucks County**. Jeffery A. WarmKessel, PG, Center Point Tank Services, Inc. 536 East Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Don & Theresa Jakeman, 2140 York Road, Jamison, PA 18920 has submitted a 90 day Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**335 South Bellevue Avenue Property**, Langhorne Borough, **Bucks County**. Jason Pero, Brilliant Environ-

mental Services, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020, Dan Forest, Bristol Environmental Services Company, 311 State Road, Croydon, PA 19020 on behalf of James Allen, Wood Service, P. O. Box 36, Longhorn, PA 19047 has submitted a 90 day Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Solid State Scientific Inc.**, Montgomery Township, **Montgomery County**. Paul C. Miller, Environmental Alliance Inc. 5341 Limestone Road, Wilmington, DE 19808 on behalf of Anthony Cino, 160 Commerce Drive, LP, 301 Oxford Valley Road, Suite 702 Yardley, PA 19067-7713 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Ursinus College**, Collegeville Borough, **Montgomery County**. Gilbert Marshall, Marshall Geoscience, Inc. 170 East First Avenue, Collegeville, PA 19426, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Andrew Feick, Ursinus College, 601 Main Street, Collegeville, PA 19426 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Gateway Shopping Center/Gateway Cleaners**, Tredeyfrin Township, **Chester County**. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with PCE and chloride. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Apfelbaum Residence**, Cheltenham Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, Insurance, Pennsylvania Fire Claims, PO, Box, 10610, Atlanta, GA 30348-6110 on behalf of Sharon Hicson-Camack, 210 Paxson Avenue, Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Parring Southampton Road Armory**, City of Philadelphia, **Philadelphia County**. David Swetland, P.G., Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Dave Miles, PA DMVA, Bldg 0-11 Fort Indiantown Gap, Annville, PA 17003 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Naval Support Activity Bldgs. 22 & 10**, City of Philadelphia, **Philadelphia County**. Joseph S. Tomalavage, Tetra Tech Inc., 234 Mall Boulevard, Suite 260, King of Prussia, PA 19406 on behalf of Terence Earley, US Navy, 700 Robbins Avenue, Philadelphia, PA 19111 has submitted a Final Report concerning remediation of site leaded soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Umbria Street Property**, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19119, Dan Lacz,

JERC Partners XVI, L.P., 171 State Road 173, Asbury, NJ 08802 on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Cleanup and Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with pah, inorganics and chlorinate solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

**3101 Red Lion Road Site**, City of Philadelphia, **Philadelphia County**. Jeremy Bolyn, Environmental Maintenance Company Inc., 1420 Eat Mermaid Lane, Glenside, PA 19038 on behalf of Miles Gross, 3070 Bristol Pike, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganic. The report is intended to document remediation of the site to meet the statewide Health Standard.

**Ginyard Residence**, East Norriton Township, **Montgomery County**. Mark Zunich, Reliance Environmental, Inc. 130 East Chestnut Street, Lancaster PA 17602 on behalf of Delores Ginyard, 3012 Cottage Lane, Norristown, PA 19401 has submitted a 90 day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dansko District Center**, Penn Township, **Chester County**. Jennifer Risser, Reliance Environmental, Inc. 130 East Chester Street, Lancaster, PA 17601 on behalf of Daria Payne Cabot Kjellerup Realty Trust, 8 Federal Road, West Grove, PA 19390 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**CTS Flooring**, Limerick Township, **Montgomery County**. Staci Cottone, J&J Spill Services and Supplies Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Ken Brown, CTS Flooring & Collegeville, Contracting, Inc. 319 West Ridge, Limerick PA 19468 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**A. Hunsinger 1H/3H Well Site**, 243 Lathrop Road, State Route 3001, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud as a result of a release from a reserve pit and mudshelf. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

**C. LaRue 4H/5H Well Site**, State Route 3010, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found

to have been impacted by drilling mud and pit contents as a result of a release which occurred when the drilling mud and pit contents escaped from the confines of the reserve pit liner. The report was submitted to document attainment of the Residential Statewide Health Standard and Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

**Apollo Metals**, 1001 14th Avenue, Bethlehem City, **Lehigh County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 E. Mermaid Lane, Glenside, PA 19038 has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Apollo Metals, Ltd (Corus Group), 1001 14th Avenue, Bethlehem, PA 18018), concerning the remediation of soil and groundwater found to have been impacted by metals as a result of historical operations at this metal plating facility and a volatile organic compound, potentially as a background contaminant. The combined report was submitted to document partial fulfillment of the Site-Specific Standard for soil and groundwater. A public notice regarding the submission of the Remedial Investigation Report/Final Report was published in *The Morning Call* on April 5, 2012.

**Bangor Former Manufactured Gas Plant Site**, Bangor Borough, **Northampton County**. John J. Mahfood, The Mahfood Group, LLC, 1061 Waterdam Plaza Drive, Suite 201, McMurray, PA 15317 has submitted a Final Report on behalf of his client, UGI Utilities, 2525 N. 12th Street, Suite 360, Reading, PA 19612, concerning the remediation soils and groundwater found to have been impacted by coal tar residuals including polycyclic aromatic hydrocarbons (PAHs), benzene, toluene, ethylbenzene and xylenes (BTEX compounds) associated with the manufacturing of coal gas. The report was submitted to document attainment of the Statewide Health Standard and Site-Specific Standard for soils and groundwater. A Public Notice regarding the submission of the Final Report was published in *The Express-Times* on April 4, 2012.

**D. Grosvenor 1H/2V Well Site**, State Route 3001 and State Route 3019, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by brine fluid as a result of an accidental overflow of an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

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

**Reading LLC / former O. Ames Facility**, 1122-1142 Butler Street, Reading, PA 19601, City of Reading, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of David Leland, 1061 River Wind Circle, Vero Beach, FL 32967, submitted a combined Remediation Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil and gasoline. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Background Standards.

**Lancaster Shopping Center**, 1605-1659 Lititz Pike, Manheim Township, **Lancaster County**. Island Environ-

mental Inc., 4253 Old National Pike, Suite 4, Middletown, MD 21769, on behalf of Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852 and Manheim Associates, c/o Branch Eichler, LLC, 101 Eisenhower Parkway, Roseland, NJ 07068, submitted a Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents from historical operations of a dry cleaners. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

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

**Mod Trans, Inc.** Selinsgrove Borough, **Snyder County**. Northridge Group, Inc. on behalf of First National Bank of Pennsylvania has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether at the property located at 136 West Pine St, Selinsgrove, PA. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**I-80 Eastbound MM 94 Diesel Fuel Spill Site**, Washington Township, **Jefferson County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Final Report concerning remediation of site soil contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, and 1,3,5-TMB. 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: Environmental Cleanup and Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**R. Smith 3H Well Site**, State Route 3004, Springville Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a revised Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by brine fluids as a result of a release from a storage tank. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for soil and was approved on April 19, 2012. The original report was submitted within 90 days of the release.

**Corbin 4H Well Site**, Township Road 544, Brooklyn Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a revised Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by synthetic based drilling mud (SBDM) as a result of a release from a leaking SBDM supply hose. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for soil and was approved on April 19, 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.*

**Former Tyler Run, LLC Property**, 427 Kings Mill Road, York, PA 17403, York City and Spring Garden Township, **York County**. Herbert, Rowland, & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Tyler Run, LLC, 11915 Park Heights Avenue, Owings Mills, MD 21117, submitted a Final Report concerning remediation of soils contaminated with Inorganics, VOCs, SVOCs and PCBs. The Final Report demonstrated attainment of the Site Specific Standard, and was approved by the Department on April 30, 2012.

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

**Dresser Piping Solutions**, City of Bradford, **McKean County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of DII Industries, LLC., P. O. Box 42806, Houston, TX 77242-2806 has submitted a Final Report concerning the remediation of site soil contaminated with Organic Compounds, Acenaphthene, Acenaphthylene, Acetone, Anthracene, Benzene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, 2-Butanone (methyl ethyl ketone), Carbon Disulfide, Carbon Tetrachloride, Chlorobenzene, Chrysene, Dibenzo[a,h]anthracene, Ethylbenzene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Isopropylbenzene (cumene), 1-Methylnaphthalene, 2-Methylnaphthalene, Naphthalene, PCB-1254, PCB-1260, Phenanthrene, Pyrene, Tetrachloroethene, Toulene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Xylene (total), Inorganic Compounds, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 19, 2012.

## AIR QUALITY

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

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

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

**GP3-09-0106: KPK Development Co., LP.** (1082 Temperance Lane, Richboro, PA 18954) on April 24, 2012, to operate two (2) portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

**GP9-09-0034: KPK Development Co., LP.** (1082 Temperance Lane, Richboro, PA 18954) on April 24, 2012, to operate a diesel/#2 fuel-fired internal combustion engines in Falls Township, **Bucks County**.

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

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

**58-310-058GP3: Popple Construction, Inc.** (215 East Saylor Avenue, Laflin, PA 18702) on April 13, 2012, to construct and operate a Portable Crushing Operation with watersprays at their Little Meadows Marcellus No. 1 Quarry in Rush Township, **Susquehanna County**.

**58-329-051GP9: Popple Construction, Inc.** (215 East Saylor Avenue, Laflin, PA 18702) on April 13, 2012, to install and operate Diesel I/C engines at their Little Meadows Marcellus No. 1 Quarry in Rush Township, **Susquehanna County**

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

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

**GP3-41-697: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on April 26, 2012, to construct and operate a portable non-metallic mineral jaw crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Flicks Run Well pad located in Cogan House Township, **Lycoming County**.

**GP11-41-697: Liberty Excavators, Inc.** (4402 Gettysburg Road, Camp Hill, PA 17011) on April 26, 2012, to construct and operate three (3) diesel-fired engines (a Caterpillar model C-12 BDL03201 425 horsepower (hp) engine to power the Trakpactor crusher, a Deutz model BFM2012 109 hp engine to power the Powerscreen 2100 and a Cummins 85 hp engine to power the Powerscreen M85 stacking conveyor) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at the Flicks Run Well pad located in Cogan House Township, **Lycoming County**.

**GP10-60-00013A: RR Donnelley** (1601 Industrial Boulevard, Lewisburg, PA 17837) on April 26, 2012, to construct and operate installation of two new non-heatset web offset lithographic printing presses pursuant to the General Plan Approval And/Or General Operating Permit For Non-Heatset Web Offset Lithographic Printing Press (BAQ-GPA/GP-10) at Lewisburg plant located in East Buffalo Township, **Union County**.

**GP5-59-224: Mainesburg, GS, LP** (5613 DTC Parkway, Suite 200, Greenwood Village, CO 80111) on January 19, 2012, to construct and operate a 1,340 brake horsepower, Caterpillar model G3516LE natural gas-fired engine and a 20 MMscf/day, Tri-ethylene glycol dehydrator pursuant to the General Plan Approval And/Or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP5) at the DCNR Tract 001 Booster Compressor Station located in Sweden Township, **Potter County**.

**GP3-08-364: Meshoppen Stone, Inc.** (PO Box 127, Meshoppen, PA 18630) on April 27, 2012, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Fields Well Site located in Herrick Township, **Bradford County**.

**GP9-08-364: Meshoppen Stone, Inc.** (PO Box 127, Meshoppen, PA 18630) on April 27, 2012, to construct and operate one 425 brake horsepower, CAT C9 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or #2 Fuel-fired Internal Combustion Engines at the Fields Well Site located in Herrick Township, **Bradford County**.

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

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

**GP1-65-00921A: Farmland Foods, Inc.** (2200 Rivers Edge Drive, Arnold, PA 15068) on April 26, 2012, for continued operation of a small natural gas-fired boiler rated at 16.33 MMBtu/hr at its Arnold Plant in Arnold City, **Westmoreland County**. The facility was previously operated by North Side Foods, Inc.

**GP5-32-00341A: Kriebel Minerals, Inc.** (633 Mayfield Road, P. O. Box 765, Clarion, PA 16214) on April 26, 2012, to install and operate one (1) Caterpillar G3306 NA, 4SRB, gas fired compressor engine, rated 145 bhp and One (1) Condensate tank with a capacity of 2,100 gallons at the Charles Tunnelton Station in Conemaugh Township, **Indiana County, PA**.

**GP5-32-00418: Aquatic Synthesis Unlimited, LLC** (340 North Main Street, Suite 203, Butler, PA 16001) on April 27, 2012, to construct and operate four (4) John Deere diesel-fired engines, rated at 325 bhp each, to power high volume water pumps at the proposed Kay's Arena Water Treatment Facility in Rayne Township, **Indiana County**.

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

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

**GP1-10-331A: Butler Memorial Hospital** (911 East Brady Street, Butler, PA 16001) on April 20, 2012, to operate two (2) Babcock & Wilcox boilers rated at 19.4 MMBtu/hr (BAQ-GPA/GP-1) in City of Butler, **Butler County**.

**GP2-43-316A: Reed Oil Co., Inc.** (408 Erie Street, Grove City, PA 16127) on April 20, 2012, for post-construction operation of two (2) 12,000 gallon tanks to store gasoline (BAQ-GPA/GP-2) in Grove City Borough, **Mercer County**.

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

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

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

**09-0217: Particle Size Technology, Inc.** (1930 Kumry Road, Quakertown, PA 18951) on April 27, 2012, to construct a dry powder particle sizing manufacturing operation in Milford Township, **Bucks County**. Particle Size Technology is a minor facility. The manufacturing process consists of sizing, repackaging and analysis of plastics, resins, toners, waxes and polymers for the foods, cosmetic and pharmaceutical industries. The main emissions from this type of operation are particulate matter (PM). Best Available Technology (BAT) is applicable for this authorization. BAT for this project will be capturing and controlling the PM with dust collectors with an emission rate of 0.02 gr/dscf or less to the atmosphere. The Plan Approval will include: work practice standards, and testing, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**09-0219: Premium Excavating, LLC** (18 Steel Road West, Morrisville, PA 19067) on April 27, 2012, to install a nonmetallic crushing plant to process construction washout material (concrete waste) from concrete delivery trucks in Falls Township, **Bucks County**. The Plan Approval will contain all applicable requirements including monitoring, recordkeeping and reporting 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*

**06-05069R: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on April 19, 2012, for modifications to the battery assembly plant in Richmond Township, **Berks County**. The approved modifications to the facility are as follows:

In the A-1 Facility:

Item 1) One new COS & envelope will be added to Source 192 controlled by C92.

Item 2) One new envelope will be added to Source 114 controlled by C01.

Item 3) One envelope now a part of Source 114 controlled by C41 will be moved and added to Source 192 controlled by C92.

Item 4) One COS & envelope now a part of Source 192 controlled by C92 will be moved to the A-2 Building and added to Source 193 controlled by C93. This COS & envelope will replace a COS & envelope now a part of Source 193 controlled by C93. The removed COS & envelope will be decommissioned.

Item 5) One hand-burning station now a part of Source 114 controlled by C41 will be moved and remain a part of Source 114 controlled by C09.

Item 6) One COS & envelope now a part of Source 192 controlled by C92 will be moved and added to Source 112 controlled by C09.

Item 7) Installation of a new fan on C09 to increase maximum air flow from 45,000 CFM to 60,000 CFM.

Item 8) Installation of secondary HEPA filtration on C09 to be called C09A.

In the A-2 Facility:

One COS & envelope now a part of Source 192 controlled by C92 will be moved from the A-1 Building to the A-2 Building and added to Source 193 controlled by C93. This COS & envelope will replace a COS & envelope now a part of Source 193 controlled by C93. The removed COS & envelope will be decommissioned. (See A-1 Facility Item 4 above.)

In the Industrial Facility:

Item 1) One new COS & envelope will be added to Source 148 controlled by C30.

Item 2) Installation of a new fan on C30 to increase maximum air flow from 45,000 CFM to 60,000 CFM.

Item 3) Installation of secondary HEPA filtration on C30 to be called C30A.

In the Oxide #2 Building:

Installation of six lead oxide mills No. 29 through No. 34 (Sources 229 through 234) each with a cyclonic product collector controlled by a fabric collector followed by a HEPA filter.

Construction of a new structure to be called "Smelter Annex" with one-half housing equipment associated with Lead Smelting Operations under 06-05040 and the other half housing equipment associated with Battery Manufacturing Operations under 06-05069.

Item 1) Physical relocation of an existing currently uncontrolled parts casting operation Source 506 from the Industrial Facility to the proposed Smelter Annex.

Item 2) Installation of a new hydracast operation in the proposed Smelter Annex as a part of Source 506.

Item 3) Installation of a new 120,000 CFM fabric filter dust collector (C506) equipped with secondary HEPA filtration (C506A) to capture and control exhaust emissions from the relocated parts casting operation and from the new hydracast operations.

Item 4) Physical relocation of Source 603 (Small Parts Coating Operation) and its control devices from the Injection Molding No. 2 Plant to the proposed Smelter Annex. The Small Parts Coating Operation will continue to be Source 603 controlled by Dry Filters (C603A) to capture overspray followed by carbon adsorption (C603) to capture VOC.

**06-05040B: East Penn Manufacturing Company, Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on April 26, 2012, for modifications to the secondary lead smelting facility in Richmond Township, **Berks County**. The approved modifications to the facility are as follows:

1. Construction of a new structure "Smelter Annex" one-half housing equipment associated with Lead Smelting Operations under 06-05040 and the other half housing equipment associated with Battery Manufacturing Operations under 06-05069.

2. Physical relocation of existing slag storage operations (Source 111) from the Secondary Lead Smelting Facility to the proposed Smelter Annex. The slag storage operations will be Source 711.

3. Installation of a new 70,000 CFM fabric filter dust collector (C711) equipped with secondary HEPA filtration (C711A) to capture and control exhaust emissions from the relocated slag storage operation.

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

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

**04-00084B: Monomoy Capital Partners LP—Anchor Acquisition** (400 Ninth Street, Monaca, PA 15061) on April 25, 2012, to allow an increase in the rolling 30-day glass furnace production rate from 240 tons per day (tpd) to 285 tpd by re-commissioning the gas-oxy system including the replacement of two gas-oxy burners, each rated at 4 MMBtu/hr, at the Anchor Hocking Monaca Plant in Monaca Borough, **Beaver County**. This plan approval also authorizes the installation and temporary operation of a multi-pollutant ceramic activated dust filtration (CADF) control system to achieve reductions in emissions from the glass melting furnace of: filterable PM through ceramic filtration; nitrogen oxides (NO<sub>x</sub>) through selective catalytic reduction; and sulfur dioxide (SO<sub>2</sub>) through injection of a dry sorbent. Upon installation of the sources and control devices under this plan approval, this will no longer be a Title V facility.

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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*

**23-0114: Henry H. Ottens Manufacturing Co.** (7800 Holstein Avenue, Philadelphia, PA 19151) on April 25, 2012, to operate a boiler in Folcroft Township, **Delaware County**.

**46-0019A: Lockheed Martin** (230 Mall Boulevard, Building 100, King of Prussia, PA 19406) on April 25, 2012, to operate an emergency generator in Upper Merion Township, **Montgomery County**.

**09-0021C: MRI Flexible Packaging Co.** (122 Penns Trail, Newtown, PA 18940) on April 27, 2012, to operate a regenerative thermal oxidizer in Newtown Township, **Bucks County**.

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

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

**49-00064A: Milton Sewer Regional Authority** (5585 State Route 405, PO Box 433, Milton, PA 17847) on April 20, 2012, to construct and operate a waste water to energy plant at their wastewater plant until October 25, 2013 in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

**14-00014D: Glenn O Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 18, 2012, to extend the authorization to temporarily operate sources at their facility in Spring Township, **Centre County** until September 17, 2012. The plan approval has been extended.

**19-00003A: Bloomsburg University** (400 East Second Street Bloomsburg, PA 17815-1301) on April 20, 2012, to extend the authorization to temporarily operate their biomass boiler at their facility in the Town of Bloomsburg, **Columbia County** until October 19, 2012. The plan approval has been extended.

**47-00005A: Geisinger Medical Center** (100 North Academy Avenue Danville PA 17822) on April 24, 2012, to extend the temporary period of operation of the emergency engine-generator and combustion turbine and continue to allow the compliance evaluation of the sources for an additional 180 days pursuant to 25 Pa. Code § 127.12b(d) in **Montour County**. Monitoring, recordkeeping and reporting conditions have been included in the plan approval to verify compliance with applicable regulatory requirements for stationary air contaminant sources. The plan approval has been extended.

**18-00011I: Croda, Inc.** (8 Croda Way, Mill Hall PA 17751) on April 4, 2012, to extend the temporary period of operation of the ethylene oxide handling process and allow construction of the propylene oxide handling process to be finished at the their plant in Bald Eagle Township, **Clinton County**. Additionally, the pressure requirement of railcar was lowered by Croda's vendor and the maximum emissions from depressurization were revised to reflect this change. No change to the annual throughput of railcars was made in this revision. The plan approval has been extended.

**53-00001E: Tennessee Gas Pipeline Co., LLC** (197 Tennessee Road, Coudersport PA 16915) on April 24, 2012, to extend the temporary period of operation of the emergency engine-generator to continue to allow the compliance evaluation of the source to continue for an additional 180 days pursuant to 25 Pa. Code § 127.12b(d). Monitoring, recordkeeping and reporting conditions have been included in the plan approval to verify compliance with applicable regulatory requirements for stationary air contaminant sources. The plan approval has been extended.

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

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

**63-00955A: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) on April 26, 2012, to extend the period of temporary operation of two lean burn natural gas-fired engines rated at 2,370 bhp each and controlled by oxidation catalysts, until October 26, 2012, at Buffalo Compressor Station located in Buffalo Township, **Washington County**.

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

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

**62-017P: United Refining Company** (15 Bradley Street, Warren, PA 16365), issued on April 30, 2012, for the modification of Boiler #4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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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*

**23-00066: Pyropure, Inc.—t.a. Pyromet** (5 Commerce Drive, Aston, PA 19014) on April 27, 2012, for a State Only, Natural Minor Operating Permit in Chester Township, **Delaware County**. This is a smelting operation recovering silver from medical x-ray, and scraps from silver-plating industry. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

**22-05045: Harrisburg Authority** (212 Locust Street, Suite 302, Harrisburg PA 17101-1510) on April 19, 2012, for the Harrisburg Advanced Wastewater Treatment Facility in Swatara Township, **Dauphin County**. The State-only permit was renewed.

**21-03027: Lafferty & Company, Inc.** (1100 Hummel Avenue, Lemoyne, PA 17043-1700) on April 26, 2012, for their lumber processing facility in Lemoyne Borough, **Cumberland County**. The State-only permit was renewed.

**06-03032: Hamburg Manufacturing, Inc.** (221 South 4th Street, PO Box 147, Hamburg, PA 19526) on April 24, 2012, for the metal castings manufacturing facility known as Plant No. 1, at 147 South 4th Street in Hamburg Borough, **Berks County**. The State-only permit was renewed.

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

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

**49-00056: Quikrete Co., Inc.** (5517 Snyderstown Road, Paxinos, PA 17860) on April 27, 2012, to operate their Harrisburg Plant facility in Shamokin Township, **Northumberland County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**17-00008: Triangle Suspension Systems, Inc.** (P. O. Box 425, Dubois, PA 15801) on April 30, 2012, to operate their Dubois Plant facility in Sandy Township, **Clearfield County**. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

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

**S11-006: Amuneal Manufacturing Corp.** (at 4737 Darrah St., Philadelphia, PA 19124) for the operation of a sheet metal fabrication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a batch vapor degreaser.

**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.**

*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*

**21-05028: Fry Communications, Inc.** (101 Fry Drive, Mechanicsburg, PA 17050-2654) on April 26, 2012, for their printing facility in Mechanicsburg Borough, **Cumberland County**. The State-only permit was administratively amended to incorporate the provisions of Plan Approval No. 21-05028B. De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

**25-00066: Accuride—Erie Forge** (1015 E. 12th Street, Erie, PA 16503) for its facility located in Erie City, **Erie County**. The De minimis emission increase is for the exhausting of the three existing Wheel Machining Lines (2, 8, & 9) through six existing mist collectors. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on March 23, 2009.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2/27/12	Mega Line	0.01	0.001	0.1314	0.053	0.111
4/26/12	Wheel Machining Lines 2, 8, & 9	0.52			0.02	
Total Reported Increases		0.53	0.001	0.1314	0.073	0.111
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**43-00270: CCL Container** (1 Llodio Drive, Hermitage, PA 16148) for its facility located in Hermitage City, **Mercer County**. The De minimis emission increase is for the addition of deco stacks that will vent emissions from the decorating operations for lines 6—9 directly to the atmosphere instead of venting into the existing RTO. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on February 6, 2009.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
4/30/12	Lines 6—9 Deco stacks				0.9	
Total Reported Increases					0.9	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

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

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

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

**49-00044: Bear Gap Stone Quarry** (432 Quarry Road, Elysburg, PA 17824-7046) terminated State Only operating permit on April 18, 2012, for their Bear Gap Stone Quarry in Ralpho Township, **Northumberland County**. The facility now operates pursuant to the General Plan Approval And/Or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) and General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9).

**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*

**03961302 and NPDES No. PA0214990. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the TJS No. 4 Deep Mine in Plumcreek Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. and to renew the permit for reclamation only. No discharges. The application was considered administratively complete on February 7, 2012. Application received January 30, 2012. Permit issued April 25, 2012.

**56841328 and NPDES No. PA0033677. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for Mine 78 in Adams Township, **Cambria County** and related NPDES permit for construction plan modifications at the St. Michael Treatment site to include a subsoil storage area and sediment traps. No new NPDES outfalls are proposed with this revision. Surface Acres Proposed 23.0. No additional discharges. The application was considered administratively complete on January 30, 2012. Application received January 17, 2012. Permit issued April 30, 2012.

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

**33100106 and NPDES Permit No. PA0259004. Strishock, LLC** (P. O. Box 1006, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface mine in Washington Township, **Jefferson County** affecting 257.5 acres. Receiving streams: Eight unnamed tributaries to Horn Run and three unnamed tributaries to Five Mile Run. Application received: December 23, 2010. Permit Issued: April 24, 2012.

**33110101 and NPDES Permit No. PA0259063. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface mine in Beaver Township, **Jefferson County** affecting 30.0 acres. Receiving streams: Unnamed tributary No. 1 to Reitz Run. Application received: April 7, 2011. Permit Issued: April 24, 2012.

**1361-33110101-E-1. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to Reitz Run in Beaver Township, **Jefferson County**. Receiving streams: Unnamed tributary No. 1 to Reitz Run. Application received: April 7, 2011. Permit Issued: April 24, 2012.

**10100101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous surface mine to add auger mining in Karns City Borough & Fairview Township, **Butler County**. Receiving streams: unnamed tributary to South Branch Bear Creek. Application received: January 27, 2012. Permit Issued: April 26, 2012.

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

**17814000 and NPDES No. PA0608769. Rob Holland Enterprises** (52 Holland Lane, Curwensville, PA 16833). Transfer of an existing bituminous surface/auger mine from TDK Coal Sales, Inc. located in Penn and Brady Townships, **Clearfield County** affecting 204.2 acres. Receiving streams: unnamed tributaries to Irish Run and Irish Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 8, 2011. Permit issued: April 18, 2012.

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

**40663034R5 and NPDES Permit No. PA0225215. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Foster Township, **Luzerne County** affecting 360.0 acres, receiving stream: Oley Creek, classified for the following use: HQ—cold water fishes. Application received: February 25, 2011. Renewal issued: April 25, 2012.

*Noncoal Permits Actions*

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

**41100301 and NPDES No. PA0257486. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803-1694). Commencement, operation and restoration of a large industrial mineral surface mine located in Armstrong Township, **Lycoming County** affecting 100.6 acres. Receiving stream: Hagerman's Run—cold water fisheries section only. There are no potable water supply intakes within 10 miles downstream. Application received: December 16, 2010. Permit issued: April 23, 2012.

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

**58112505. L & D Stoneworks, Inc.**, (2774 Stone Street, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 10.0 acres, receiving stream: Stonestreet Creek. Application received: April 5, 2011. Permit issued: April 24, 2012.

**58112505GP104. L & D Stoneworks, Inc.**, (2774 Stone Street, Montrose, PA 18801), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58112505 in Forest Lake Township, **Susquehanna County**, receiving stream: Stonestreet Creek. Application received: April 5, 2011. Permit issued: April 24, 2012.

**8073SM5A1C9 and NPDES Permit No. PA0013731. Gill Quarries, Inc.**, (P. O. Box 187, Fairview Village, PA 19409), correction to an existing quarry operation in East Norriton Township, **Montgomery County**, to decrease the permitted acreage from 98.0 to 38.31 acres and renew the NPDES Permit for discharge of treated mine drainage, receiving stream: unnamed tributary to Stony Creek. Application received: November 12, 2009. Permit Correction/Renewal issued: April 30, 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*

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

**24124002. Tidelands Geophysical Co., Inc.** (101 East Park Boulevard, Suite 955, Plano, TX 75074) Blasting activity permit for seismic exploration in Highland, Millstone, Spring Creek and Jenks Townships, **Elk & Forest Counties**. This blasting activity permit will expire on April 13, 2013. Permit Issued: April 24, 2012.

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

**36124117. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Rock Hall Estates in Mt. Joy Township, **Lancaster County** with an expiration date of April 15, 2013. Permit issued: April 23, 2012.

**36124118. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Park Ridge Crossing in Manheim Township, **Lancaster County** with an expiration date of April 19, 2012. Permit issued: April 23, 2012.

**58124133. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Peterson Bunnell Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of April 13, 2013. Permit issued: April 25, 2012.

**36124119. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Dwayne Brown foundation in Manor Township, **Lancaster County** with an expiration date of April 24, 2013. Permit issued: April 26, 2012.

**36124120. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Meadow Springs Farm in Clay Township, **Lancaster County** with an expiration date of August 30, 2012. Permit issued: April 26, 2012.

**38124114. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Strathford Meadows in South Lebanon Township, **Lebanon County** with an expiration date of April 30, 2013. Permit issued: April 26, 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

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**E05-362: Pennsylvania Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, Pennsylvania 16648, in Snake Spring Township, **Bedford County**, ACOE Baltimore District

To: 1) remove the existing structure, 2) construct and maintain a single span pre-stressed concrete beam bridge skewed 80° having a normal clear span of 112.30 feet, a width of 31.40 feet, and a minimum underclearance of 7.28 feet across Cove Creek (EV, MF), 3) remove a gravel bar from Cove Creek (EV, MF) having a length of 175.0 feet, an average width of 35.0 feet, and an average depth of 1.5 feet, 4) stabilize approximately 73.0 feet of the left streambank and 71.0 feet of the right streambank of Cove Creek (EV, MF) with rock, and 5) temporarily impact 0.09 acre of PEM EV wetlands, all for the purpose of improving transportation safety and roadway standards. The project will involve the use of two-staged causeways for construction and demolition. The project is located along SR 1004 (Everett West, PA Quadrangle, (N: 1.0 inch, W: 6.7 inches; Latitude: 40°00'20", Longitude: -78°25'21") in Snake Spring Township, Bedford County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E17-471. United Electric Cooperative, Inc.**, PO Box 688, DuBois, PA 15801-0688. Merrill Road Power Line Extension Project, Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle, Latitude: 41° 13' 17.07"; Longitude: 78° 18' 27.95").

The applicant describes the project as the installation of a new 5.4 mile overhead power line along Merrill Road through the Quehanna Wild Area of Moshannon State Forest from north of McNerney Run south to Caledonia Pike. The coordinates of the endpoints are 41° 13' 17.07"; 78° 18' 27.95 (north end) and 41° 10' 19.28"; 78° 18' 9.59 (south end). Activities required to complete the project include the clearing of forested vegetation within 25 feet of the power line and setting of new poles every 250 feet. Most of the poles will be installed along Merrill Road and Caledonia Pike and can be placed with equipment situated on the roads; thereby, reducing the total earth disturbance. There are delineated wetlands within the project area and a permanent 12 square foot impact will occur in one wetland where three poles will be installed. Temporary wetland impacts will total 4,400 square feet and are a result of installing a temporary access road across a large wetland to install the poles. All impacts associated with the temporary structures approved by this permit shall be temporary impacts for which no mitigation is required. The project will also result in overhead crossing of Gifford and McNerney Runs as well as two unnamed tributaries of Gifford Run. Only one temporary stream crossing is permitted and is located on McNerney Run. Since McNerney Run is listed as a wild trout stream, no in-stream work will be permitted between October 1 and December 31 without prior written approval from the Pennsylvania Fish and Boat Commission.

**E19-283. Al Deans**, PO Box 208, Northumberland, PA 17857. Deans Cabin, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41°5'52.9"; Longitude: 76°22'35.8").

This permit authorizes the construction, operation and maintenance 22 concrete piers to support a raised cabin structure on the existing footprint. The structures first floor elevation shall be a minimum of 18 inches above

elevation of 608.0 feet. The pier layout shall be configuration every 10 feet depending on the area of the structure. The structure measures 48 feet by 34 feet. This property is located SR 487 north above Orangeville, rt onto Roberts Grove Rd, left at the "Y"; Cottage number is 52E on the right. This permit was issued under Section 105.13(e) "Small Projects."

**E19-285. Rod V. Berlin**, 63 Maplewood Road, Berwick, PA 18603. Berlin Cabin, in Orange Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41°5'29.8"; Longitude: 76°23'57.1").

This permit authorizes the construction, operation and maintenance 29 concrete piers to support a raised cabin structure on the existing footprint. The structures first floor elevation shall be a minimum of 18 inches above elevation of 586.5 feet. The pier layout shall be a configuration every 8 feet depending on the area of the structure. Piers will be placed under the porches and deck to elevate those 18 inches above the 100 year flood surface elevation. This property is located .33 miles north on SR 487, right onto Pleasant Pins road, bear right at the "Y" and the cottage is last on the left. This permit was issued under Section 105.13(e) "Small Projects."

**E19-287. Pamela J Patterson**, 42 E Tulane Road, Columbus, OH 43202. Patterson Cabin, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41°5'54.9"; Longitude: 76°22'33.6").

This permit authorizes the construction, operation and maintenance of 14 concrete piers to support a raised cabin structure on the existing footprint in the floodway of Fishing Creek. The structures first floor elevation shall be a minimum of 18 inches above elevation of 608.0 feet. The pier layout shall be of configuration every 10 feet depending on the area of the structure. The structure measures 34 feet by 32 feet. This property is located on SR 487 north above Orangeville, rt onto Roberts Grove Road, right at the "Y"; Cottage number is 538E on the left. This permit was issued under Section 105.13(e) "Small Projects."

**E19-290. Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815. Rest Room Facility, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 40°59'29"; W: 76°26'58.7").

To remove the existing 474.2 square foot restroom facility and dispose of the material outside the floodplain and to construct, operate and maintain a new 336.0 square foot facility that measures 24 feet long and 14 feet wide in the floodplain of the Susquehanna River. This project also authorizes the installation of a new at grade concrete sidewalk surrounding the building and extending to the southeast and northeast from the new building. The total length of walk way is 130 linear feet. This project is located at the first parking lot on the right off of W Fort McClure Boulevard from the intersection of Market Street and W Fort McClure Boulevard.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E5729-022: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 85 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'22"N, 76°35'37"W);

(2) a 16 inch diameter gathering line impacting 36 linear feet of Mill Creek (EV) (Overton, PA Quadrangle 41°32'19"N, 76°32'42"W);

The project will result in 121 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development.

**E0829-033: Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 8 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'35", Longitude: -76°17'03");

2. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 20 linear feet of Rummerfield Creek (WWF, MF) and a Palustrine Emergent Wetland impacting 335 square feet (Le Raysville, PA Quadrangle, Latitude: 41°48'34", Longitude: -76°16'51");

3. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) and a Palustrine Emergent Wetland impacting 1,385 square feet (Le Raysville, PA Quadrangle, Latitude: 41°48'45", Longitude: -76°16'20");

4. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,080 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 48'46", Longitude: -76° 16'07");

5. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'46", Longitude: -76°15'58");

6. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'45", Longitude: -76°15'52");

7. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 5 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'45", Longitude: -76°15'45");

8. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) and a Palustrine Emergent Wetland impacting 50 square feet (Le Raysville, PA Quadrangle, Latitude: 41°48'43", Longitude: -76°15'34");

9. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 20 linear feet of Rummerfield Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°48'26", Longitude: -76°16'21");

10. Two 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 3,945 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 48'16", Longitude: -76° 16'24");

The project will result in 82 linear feet and 2,150 square feet of temporary stream impacts, and 6,795 square feet (0.156 acre) of PEM wetland all for the purpose of installing a natural gas pipeline and water line with associated access roadways.

**E5329-010. Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA, 15825. Wingo Property Surface Water Withdrawal and Waterline, in Ulysses Township, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle, N: 41°49'36.44"; W: 77°47'49.49").

To construct, operate, and maintain a surface water withdrawal and underground utilities with the following impacts:

1. 31.0 linear feet (165.0 square feet) of temporary impacts to a pond (HQ-CWF) for a submerged intake structure, a waterline, and an electric line to be placed on the bottom of the pond.

2. 58.0 square feet of temporary impacts to an EV wetland (PEM/PSS) for underground water and electric lines installed via open trenching.

3. 12.0 linear feet (21.0 square feet) of permanent impacts, and 23.0 linear feet (130.0 square feet) of temporary impacts to an Unnamed Tributary to Pine Creek (HQ-CWF, MF), and 68.0 square feet of adjacent EV wetlands (PEM) for the replacement of an existing 12" culvert stream crossing and the installation of underground water and electric lines installed via open cut trenching.

The project will result in 126.0 square feet (0.01 acre) of EV wetland impacts via open cut trenching, 31.0 linear feet of impacts to the bottom of a pond, and 23.0 linear feet of channel impacts via open cut trenching, all for the purpose of Marcellus Shale wellsite development.

**E0829-032: Chief Gathering, LLC**, 6051 Wallace Road, Suite 210, Wexford, PA 15090, Towanda Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. One 8 inch diameter natural gas line and a timber mat bridge impacting 66 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'16", Longitude: -76°30'52").

2. One 8 inch diameter natural gas line and a timber mat bridge impacting 122 linear feet of an unnamed tributary to French Run (CWF, MF), and an adjacent Palustrine Forested Wetland impacting 2,064 square feet (Powell, PA Quadrangle, Latitude: 41°44'17", Longitude: -76°30'51");

3. One 8 inch diameter natural gas line and a timber mat bridge impacting 39 linear feet of an unnamed tributary to French Run (CWF, MF), and an adjacent Palustrine Emergent Wetland impacting 4,220 square feet (Powell, PA Quadrangle, Latitude: 41°44'17", Longitude: -76°30'49");

4. One 8 inch diameter natural gas line and a timber mat bridge impacting 1,412 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'13", Longitude: -76°30'39");

5. One 8 inch diameter natural gas line and a timber mat bridge impacting 1,412 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'12", Longitude: -76°30'36");

6. One 8 inch diameter natural gas line and a timber mat bridge impacting 1,171 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°44'12", Longitude: -76°30'34");

7. One 8 inch diameter natural gas line and a timber mat bridge impacting 36 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'13", Longitude: -76°30'33");

8. One 8 inch diameter natural gas line and a timber mat bridge impacting 29 linear feet of an unnamed tributary to French Run (CWF, MF), and an adjacent Palustrine Forested Wetland impacting 10,287 square feet (Powell, PA Quadrangle, Latitude: 41°44'11", Longitude: -76°30'24");

9. One 8 inch diameter natural gas line and a timber mat bridge impacting 10,679 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'17", Longitude: -76°30'15");

10. One 8 inch diameter natural gas line and a timber mat bridge impacting 31 linear feet of an unnamed tributary to Towanda Creek (CWF, MF), an adjacent Palustrine Emergent and Palustrine Forested Wetland impacting 28,374 square feet (Powell, PA Quadrangle, Latitude: 41°44'15", Longitude: -76°30'05");

11. One 8 inch diameter natural gas line and a timber mat bridge impacting 3,015 square feet of a Palustrine Emergent Wetland (Monroeton, PA Quadrangle, Latitude: 41°44'02", Longitude: -76°29'48");

The project will result in 323 linear feet and 2,451 square feet of temporary stream impacts and 63,156 square feet (1.45 acres) of PEM and PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways.

**E0829-026: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Ulster Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 672 square feet (Ulster, PA Quadrangle, Latitude: 41°48'21", Longitude: -76°31'46");

2. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 245 square feet (Ulster, PA Quadrangle, Latitude: 41°48'16", Longitude: -76°31'37");

3. a 16 inch diameter natural gas line and a timber mat bridge impacting 55 linear feet of an unnamed tributary to Sugar Creek (WWF, MF) and adjacent Palustrine Emergent Wetland (PEM), and Palustrine Scrub-Shrub Wetland (PSS) impacting 5,097 square feet (Ulster, PA, Latitude: 41°48'07", Longitude: -76°31'15");

4. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland (PEM) and Palustrine Scrub-Shrub Wetland (PSS). Impacted Area: 4,472 square feet (Ulster, PA Quadrangle, Latitude: 41°48'16", Longitude: -76°31'12");

5. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland (PEM) and Palustrine Scrub-Shrub Wetland (PSS). Impacted Area:

1,251 square feet (Ulster, PA Quadrangle, Latitude: 41°48'17", Longitude: -76°31'11");

6. a 16 inch diameter natural gas line and a timber mat bridge impacting 97 linear feet of an unnamed tributary to Hemlock Run (WWF, MF) and adjacent Palustrine Forested Wetland (PFO) impacting 9,602 square feet (Ulster, PA, Latitude: 41°48'27", Longitude: -76°31'08");

7. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of an unnamed tributary to Hemlock Run (WWF, MF) and adjacent Palustrine Scrub-Shrub (PSS) impacting 1,020 square feet (Ulster, PA, Latitude: 41°48'28", Longitude: -76°30'51");

The project will result in 302 linear feet and 3,305 square feet of temporary stream impacts, 12,757 square feet (.29 acre) of PEM/PSS temporary wetland impacts and 9,602 square feet (0.22 acre) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

#### 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-081-0053

Applicant Name Seneca Resources Corporation

Contact Person Michael Clinger

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

County Lycoming County

Township(s) Lewis Township

Receiving Stream(s) and Classification(s) Hagerman Run;

Trout Run (EV);

Secondary: Lycoming Creek (EV, MF)

ESCGP-1 # ESX12-081-0056

Applicant Name Anadarko E&P Company, LP

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200



City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Lewis Township  
 Receiving Stream(s) and Classification(s) Lycoming Creek  
 (EV/MF);  
 Secondary: West Branch Susquehanna River (WWF/  
 MF)

ESCGP-1 # ESX12-033-0007 (01)  
 Applicant Name Northeast Natural Energy, LLC  
 Contact Person Brett Lofflin  
 Address 707 Virginia Street, Suite 1400  
 City, State, Zip Charleston, WV 25301  
 County Clearfield County  
 Township(s) Graham Township  
 Receiving Stream(s) and Classification(s) UNT to Brown's  
 Run;  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-117-0037  
 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) Richmond Township  
 Receiving Stream(s) and Classification(s) UNT to Canoe  
 Camp Creek/Susquehanna River Basin in PA—Susque-  
 hanna River (List H) (CWF)

ESCGP-1 # ESX12-115-0062  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) UNTs to White  
 Creek (CWF), White Creek (CWF)

ESCGP-1 # ESX12-015-0098  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) West Burlington Township  
 Receiving Stream(s) and Classification(s) The Mill  
 Creek—(TSF/MF)

ESCGP-1 # ESX11-081-0090 (01)  
 Applicant Name Anadarko E&P Company, LP  
 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) UNT Wolf Run,  
 Big Sandy Run (HQ)

ESCGP-1 # ESX12-015-0091  
 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) Herrick Township  
 Receiving Stream(s) and Classification(s) UNT to Billings  
 Creek, Trib. To Wyalusing Creek (WWF/MF);  
 Secondary: Wyalusing Creek (WWF/MF)

ESCGP-1 # ESX12-081-0026 (01)  
 Applicant Name Pennsylvania General Energy Company,  
 LLC

Contact Person Mark C. Mummert  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming County  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) 2-UNT to Little  
 Pine Creek (EV), Little Pine Creek (HQ/TSF);  
 Secondary: Pine Creek (HQ/TSF)

ESCGP-1 # ESX09-131-0002 (02)  
 Applicant Name Citrus Energy Corporation  
 Contact Person Andrew Roberts  
 Address 5000 Legacy Drive, Suite 300  
 City, State, Zip Plano, TX 72024  
 County Wyoming County  
 Township(s) Washington Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River (CWF)

ESCGP-1 # ESX12-113-0021  
 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) Forks Township  
 Receiving Stream(s) and Classification(s) Black Creek,  
 Trib 20233 to Black Creek, Trib. 20239 to Black Creek,  
 UNT to Black Creek, Loyalsock Creek Watershed (EV);  
 Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX12-081-0046  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Franklin Township  
 Receiving Stream(s) and Classification(s) UNT to Beaver  
 Run, Beaver Run, Little Muncy Creek;  
 Secondary: Muncy Creek

ESCGP-1 # ESX12-015-0088  
 Applicant Name EOG Resources, Inc.  
 Contact Person Greg Shaffer  
 Address 191 Beaver Drive  
 City, State, Zip Dubois, PA 15801  
 County Bradford County  
 Township(s) Springfield Township  
 Receiving Stream(s) and Classification(s) UT Leonard  
 Creek, UT Mill Creek, Mill Creek;  
 Secondary: Leonard Creek, Mill Creek

ESCGP-1 # ESX12-015-0094  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Leroy Township  
 Receiving Stream(s) and Classification(s) Towanda Creek  
 (TSF/MF)

ESCGP-1 # ESX12-113-0020  
 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) Cherry Township  
 Receiving Stream(s) and Classification(s) 2-UNT to Black  
 Creek (EV), Loyalsock Creek Watershed (EV);  
 Secondary: Black Creek (EV)

ESCGP-1 # ESX10-113-0005 (01)  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Sullivan County  
 Township(s) Elkland Township  
 Receiving Stream(s) and Classification(s) UNT to Elk  
 Creek (EV);  
 Secondary: Elk Creek (EV)

ESCGP-1 # ESX12-115-0048  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Forest Lake Township  
 Receiving Stream(s) and Classification(s) UNT to Middle  
 Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX12-117-0042  
 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) Sullivan Township  
 Receiving Stream(s) and Classification(s) Trib to Corey  
 Creek (HQ-CWF/MF)

ESCGP-1 # ESX12-035-0009  
 Applicant Name XTO Energy, Inc.  
 Contact Person Stacey Vehovic  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Clinton County  
 Township(s) Chapman Township  
 Receiving Stream(s) and Classification(s) Abe's Run (HQ)  
  
*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0079A—Hinch Smith Unit No. 1H,  
 2H, 3H, 4H Major Modification  
 Applicant XTO Energy Inc  
 Contact Ms. Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Butler(s)  
 Receiving Stream(s) and Classification(s) UNT of Butcher  
 Run—WWF; Butcher Run—WWF

ESCGP-1 #ESX12-121-0014-Haslet Unit 1H  
 Applicant Range Resources  
 Contact Mark Galbo  
 Address 100 Throckmorton Street, Suite 1200  
 City Fort Worth State TX Zip Code 76102  
 County Venango Township(s) Oakland(s)  
 Receiving Stream(s) and Classification(s) UNT to Wolf  
 Run-CWF

ESCGP-1 #ESX12-019-0136-Burgh Gas Well  
 Applicant RE Gas Development LLC  
 Contact Lauren Parker  
 Address 310 Seven Fields Blvd  
 City Seven Fields State PA Zip Code 16046  
 County Butler Township(s) Lancaster(s)  
 Receiving Stream(s) and Classification(s) 2 UNT's to  
 Little Yellow Creek-CWF, Little Yellow Creek-CWF,  
 UNT to Scholars Run-WWF, Slippery Rock Watershed

*Southwest Region: Oil & Gas Program Mgr. 400 Water-  
 front Dr. Pittsburgh PA*

3/26/12  
 ESCGP-1 No: ESX12-125-0040  
 Applicant Name: MARKWEST LIBERTY MIDSTREAM &  
 RESOURCES LLC  
 Contact Person MR RICK LOWRY  
 Address: 824 MORGANZA ROAD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON  
 Township: ROBINSON  
 Receiving Stream (s) And Classifications: UNT's TO  
 ROBINSON RUN (WWF); OTHER

2/9/2012  
 ESCGP-1 No.: ESX12-063-0004  
 Applicant Name: XTO ENERGY INC  
 Contact Person: MELISSA BREITENBACH  
 Address: 502 KEYSTONE DRIVE  
 City: WARRENDALE State: PA Zip Code: 15086  
 County: INDIANA Township(s): NORTH MAHONING  
 Receiving Stream(s) and Classifications: UNT OF LITTLE  
 MAHONING CREEK-HQ-CWF; HQ

12/8/11  
 ESCGP-1 No.: ESX11-005-0021  
 Applicant Name: EQT GATHERING LLC  
 Contact Person: BRIAN M CLAUTO  
 Address: 455 RACETRACK ROAD  
 City: WASHINGTON State: PA Zip Code: 15301  
 County: ARMSTRONG  
 Township(s): KITTANNING  
 Receiving Stream(s) and Classifications: CHERRY RUN,  
 CROOKED CREEK, HORNEY CAMP RUN; SEE AT-  
 TACHMENT E FOR STREAM TABLE; OTHER

4/4/12  
 ESCGP-1 No.: ESX12-003-0001 MAJOR REVISION  
 Applicant Name: RANGE RESOURCES APPALACHIA  
 LLC  
 Contact Person: MR GLENN TRUZZI  
 Address: 3000 TOWN CENTER BOULEVARD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: ALLEGHENY  
 Township(s): FRAZER  
 Receiving Stream(s) and Classifications: UNT TO BULL  
 CREEK (TSF) AND UNT TO DAYS RUN (WWF)/  
 LOWER ALLEGHENY RIVER WATERSHED; OTHER

4/5/12  
 ESCGP-1 No.: ESX12-125-0045  
 Applicant Name: CHESAPEAKE APPALACHIA LLC  
 Contact Person: ERIC HASKINS  
 Address: 101 NORTH MAIN STREET  
 City: ATHENS State: PA Zip Code: 18810  
 COUNTY WASHINGTON  
 Township(s): WEST FINLEY  
 Receiving Stream(s) and Classifications: UNT TO ROBIN-  
 SON FORK-(WWF)/WHEELING CREEK; OTHER

4/18/12  
 ESCGP-1 No.: ESX11-005-0015  
 Applicant Name: EXCO RESOURCES (PA) LLC  
 Contact Person: MR BRIAN E RUSHE  
 Address: 3000 ERICSON DRIVE SUITE 200  
 City: WARRENDALE State: PA Zip Code: 15086  
 County: ARMSTRONG  
 Township(s): W. FRANKLIN  
 Receiving Stream(s) and Classifications: UNT TO BUF-  
 FALO CREEK; HQ; OTHER-TSF

3/12/12  
 ESCGP-1 No.: ESX12-125-0031  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person: MR DANIEL BITZ

Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code 15370  
 County: WASHINGTON  
 Township(s): MORRIS  
 Receiving Stream(s) and Classifications: 3 UNT TO  
 SHORT CREEK (TSF); OTHER

2/24/12  
 ESCGP-1 No.: ESX12-059-0011  
 Applicant Name: CNX GAS COMPANY LLC  
 Contact Person: MR DANIEL BITZ  
 Address: 200 EVERGREENE DRIVE  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: GREENE  
 Township(s): MORRIS  
 Receiving Stream(s) and Classifications: 2 UNT TO  
 PATTERSON CREEK (PATTERSON CREEK (HQ-  
 WWF); HQ

2/27/12  
 ESCGP-1 No.: ESX12-129-0004  
 Applicant Name: LAUREL MOUNTAIN MIDSTREAM  
 LLC  
 Contact Person: STEPHANIE L RANKER  
 Address: 2620 MEMORIAL BLVD SUITE A  
 City: CONNELLSVILLE State: PA Zip Code: 15425  
 County: WESTMORELAND  
 Township(s): SALEM  
 Receiving Stream(s) and Classifications: WHITEHORN  
 CREEK (WWF), UNT's TO CRABTREE CREEK  
 (WWF)/LOYALHANNA CREEK (HUC #05100080108);  
 OTHER

3/13/12  
 ESCGP-1 NO.: ESX12-125-0032

Applicant Name: RANGE RESOURCES APPALACHIA  
 LLC  
 CONTACT PERSON: LAURA M RUSMISEL  
 ADDRESS: 3000 TOWN CENTER BOULEVARD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON  
 Township(s): ROBINSON  
 Receiving Stream(s) and Classifications: UNT 33810 AND  
 UNT 33811 TO ST PATRICK RUN /RACCOON  
 CREEK WATERSHED; OTHER

3/14/12  
 ESCGP-1 NO.: ESX12-059-0017  
 Applicant Name: ENERGY CORPORATION OF  
 AMERICA  
 CONTACT: TRAVIS WENDEL  
 ADDRESS: 1380 RTE 286 HWY E SUITE 221  
 City: INDIANA State: PA Zip Code: 15701  
 County: GREENE  
 Township(s): CUMBERLAND  
 Receiving Stream(s) and Classifications: MUDDY CREEK  
 AND COAL RUN / LOWER MONONGAHELA WA-  
 TERSHED; OTHER

1/20/12  
 ESCGP-1 NO.: ESX12-059-0004  
 Applicant Name: COAL GAS RECOVERY LLC  
 CONTACT: JOANNE REILLY  
 ADDRESS: 158 PORTAL ROAD PO BOX 1020  
 City: WAYNESBURG State: PA Zip Code: 15370  
 County: GREENE  
 Township(s): WASHINGTON / FRANKLIN  
 Receiving Stream(s) and Classifications: UNT TO PUR-  
 MAN RUN, GRIMES RUN AND JERSEY RUN (WWF);  
 JERSEY RUN (WWF); OTHER

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 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>
Accredited Radon Reduction of West Pennsylvania	2822 Golden Mile Highway Pittsburgh, PA 15239	Mitigation
Accredited Radon Systems	2822 Golden Mile Highway Pittsburgh, PA 15239	Mitigation
Kevin Adams	208 Latimer Avenue Strabane, PA 15363	Testing
Clifford Ardinger, II	101 Bertley Ridge Drive Coraopolis, PA 15108	Testing
Jim Bucciarelli	474 Easton Road Horsham, PA 19044	Mitigation
Nathaniel Burden, Jr.	626 Jacksonville Road Suite 200 Warminster, PA 18974	Mitigation
Frank Carey	120 Aster Court Exeter, PA 18643	Testing
Thomas d'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
James Davis	624 Lincoln Avenue	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
	Jermyn, PA 18433	
DeMar Associates Testing Services	P. O. Box 296 Green Lane, PA 18054	Testing
Eagle Home Inspections	543 Twele Road Greenock, PA 15047	Testing
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Frank Glantz	P. O. Box 866 Lemont, PA 16851	Mitigation
Russell Heiges	351 Big Oak Road Dillsburg, PA 17019	Mitigation
Scott Latosky	722 Sue Street Houtzdale, PA 16651	Testing
Eric Levine	110 Music Center Drive East Stroudsburg, PA 18301	Testing & Mitigation
Stephen Mento	25 Fox Farm Lane Downingtown, PA 19335	Testing
Charles Miller	11 Edbert Street Selinsgrove, PA 17870	Testing
David Milliron	126 Oakford Park Road Jeannette, PA 15644	Testing
Cristopher Murphy WIN-Murrysville	3045 Heider Lane Export, PA 15632	Testing
Pillar to Post	2370 York Road A-9 C Jamison, PA 18929	Testing
Lisa Roddis	P. O. Box 862 Hockessin, DE 19707	Testing
Larry Smith	HCR #1, Box 48 Brodheads ville, PA 18322	Testing
Michael Walther	6876 Susquehanna Trail South York, PA 17403	Testing
John Wilson	107 Lockerbie Lane West Chester, PA 19382	Testing
David Yocum	215 Taylor Road York, PA 17406	Mitigation

[Pa.B. Doc. No. 12-834. Filed for public inspection May 11, 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.

#### *Final Technical Guidance—New Guidance*

DEP ID: 385-2188-002. Title: Reuse of Treated Wastewater Guidance Manual. Description: The Department by this notice is providing the final version of the Reuse of Treated Wastewater Guidance Manual; Document No. 385-2188-002 (Manual). This guidance was created to provide guidance to Department staff and the public for reusing treated wastewater in an environmentally protective manner in accordance with Department regulations.

The draft version of the Manual was announced for a 30-day public comment period at 39 Pa.B. 287 (January

10, 2009). In response to the notice the Department received 20 comments from 5 commentators. The Department has developed a Comment and Response document that summarizes the comments received and the Department's response to the comment. No significant changes have been made from the draft guidance, but some minor clarifications have been made to portions of the document, as requested by public comments. Contact: Questions regarding this final guidance document should be directed to Kevin McLeary, (717) 783-1820 or kmcleary@pa.gov.

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-835. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 16(1047)102.1, Abandoned Mine Land Reclamation Project, Pine City, Elk Township, Clarion County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 81,900 cubic yards; tree planting 8,750 each; and seeding 4.4 acres. This bid issues on May 11, 2012, and bids will be opened on June 5, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-836. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Clean Air Interstate Rule; 2012 Allocation of 2011 Vintage NO<sub>x</sub> Allowances Set Aside to Offset SO<sub>2</sub> Emissions; Correction

In accordance with 25 Pa. Code § 145.212(f)(2) (relating to CAIR NO<sub>x</sub> allowance allocations), the Department of Environmental Protection (Department) is providing notice of a correction, which results in an allocation of 2011 vintage Clean Air Interstate Rule (CAIR) nitrogen oxides (NO<sub>x</sub>) allowances to Piney Creek, LP, an owner or operator of a CAIR sulfur dioxide (SO<sub>2</sub>) unit for the purpose of offsetting SO<sub>2</sub> emissions. This unit was exempted under the Federal Acid Rain Program provisions in section 405(g)(6)(A) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)) and therefore did not receive SO<sub>2</sub> allowances, yet is subject to the CAIR SO<sub>2</sub> Trading Program.

The Commonwealth's CAIR NO<sub>x</sub> Annual Trading Program budget contained 99,049 CAIR NO<sub>x</sub> allowances for 2011; the Department allocated 97,761 of the CAIR NO<sub>x</sub> allowances at 40 Pa.B. 297 (January 9, 2010). The Department set aside the remaining 1,288 CAIR NO<sub>x</sub> allowances in accordance with 25 Pa. Code § 145.212(f)(2) and (4), 1.3% of the CAIR NO<sub>x</sub> Annual Trading Program

budget, for allocations to qualifying fossil fuel-fired units that did not receive SO<sub>2</sub> allocations under the Acid Rain Program due to their exempt status. On March 3, 2012, the Department published the allocation notice of 2011 vintage CAIR NO<sub>x</sub> allowances set aside to offset SO<sub>2</sub> emissions at 42 Pa.B. 1185 (March 3, 2012). The Department is publishing a correction to that notice because Piney Creek's on-time request was inadvertently omitted in the notice published at 42 Pa.B. 1185.

The Department is allocating these allowances on a ratio of 1 CAIR NO<sub>x</sub> allowance to every 8 tons of SO<sub>2</sub> emitted by the unit in 2011, minus any excess CAIR NO<sub>x</sub> allowances already allocated to the unit for the 2011 control period that were not used to cover NO<sub>x</sub> emissions for the 2011 control period. The result is an allocation of 185 CAIR NO<sub>x</sub> allowances.

The following table lists the facility name, ORIS number and unit identification number and the number of CAIR NO<sub>x</sub> allowances to be allocated.

Facility name	ORIS #	Unit ID	# of NO <sub>x</sub> allowances
Piney Creek, LP	54144	31	185

Owners and operators of qualifying units should be aware that CAIR NO<sub>x</sub> allowances do not constitute property rights, and that actions at the Federal or State level, including possible court action in *EME Homer City Generation, L.P. v. EPA*, D.C. Cir. 11-1302, could affect the allocated CAIR NO<sub>x</sub> allowances.

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

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

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

Questions concerning this notice should be directed to Randy Bordner, Chief, Stationary Source Section, Bureau of Air Quality, (717) 772-3921, ranbordner@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-837. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Implementation of Settlement Agreement

The Department of Environmental Protection (Department) is issuing this notice under a Stipulation of Settlement made between Damascus Citizens for Sustainability, Inc., the Delaware Riverkeeper, the Delaware Riverkeeper Network, James R. Wilson, Jonathan B. Gordon, Thomas Cooney and Michael Cooney and the Department, signed by the parties on February 10, 2012, in *Damascus Citizens for Sustainability, Inc. et al. v. Commonwealth of Pennsylvania, Department of Environmental Protection and Neufield Appalachia, LLC, EHB Doc. No. 2010-102-M*.

A person proposing oil and gas activities, as that term is defined in 25 Pa. Code § 102.1 (relating to definitions), must demonstrate compliance with antidegradation regulations under 25 Pa. Code Chapter 93 (relating to water quality standards), prior to the commencement of any earth disturbance activities where: 1) there will be between 1 and 5 acres of earth disturbance over the life of the project; 2) under 58 Pa.C.S. § 3211(a) (relating to well permits), the project requires a well permit to drill a well targeting an unconventional formation as defined in 25 Pa. Code § 78.1 (relating to definitions); and 3) the project is located in a watershed that has a designated or existing use of High Quality of Exceptional Value under 25 Pa. Code Chapter 93.

In the Stipulation of Settlement, the Department agreed to provide public notice of the previous requirement and incorporate it in applicable well permits on or before May 13, 2012.

More information can be found on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), select Oil and Gas, then select Industry Resources and select Informational Resources.

Inquiries regarding this notice should be directed to Kurt Klappkowski, Director, Bureau of Oil and Gas Planning and Program Management, Office of Oil and Gas Management, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17101.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-838. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Mining and Reclamation Advisory Board Special Meeting

The Mining and Reclamation Advisory Board (Board) will hold a special meeting on Tuesday, May 15, 2012, at 2 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The purpose of the meeting is to review as final the proposed coal mining permit fees rulemaking package.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Questions concerning the May 15, 2012, meeting of the Board may be directed to James Charowsky at (717) 787-7007 or [jcharowsky@pa.gov](mailto:jcharowsky@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7007 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-839. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program). These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these actions or the Trading Program, contact Karen Price, Interstate Waters Office, Department of Environmental Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785, [kprice@pa.gov](mailto:kprice@pa.gov) or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

**Entech Engineering on behalf of Butler Township Wastewater Department (Luzerne County).** This approval is applicable to nitrogen credits to be generated from the pollutant reduction activity of Butler Township's installed treatment process. This approval includes a verification plan and authorizes the generation of: 19,294 nitrogen reduction for the 2012 Compliance Year; 18,828 nitrogen reduction credits for the 2013 Compliance Year; 18,185 nitrogen reduction credits for the 2014 Compliance Year; 17,740 nitrogen reduction credits for the 2015 Compliance Year; and 16,678 nitrogen reduction credits for the 2016 Compliance Year. This certification is valid until September 30, 2016, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activity may only be generated if renewal or recertification, which will be based on the program requirements in place on the date of the renewal or recertification submission, is obtained. Notice of the certification request was published for comment at 42 Pa.B. 620 (January 28, 2012).

**Lennon, Smith, Souleret Engineering, Inc. on behalf of Martinsburg Municipal Authority (Blair County).** This approval is applicable to nitrogen and phosphorus credits to be generated from the pollutant reduction activity of Martinsburg Municipal Authority's installed treatment process. This approval includes a verification plan and authorizes the generation of: 2,300 nitrogen reduction credits for the 2012 Compliance Year; 126 phosphorus reduction credits for the 2012 Compliance Year; 2,191 nitrogen reduction credits for the 2013 Compliance Year; 117 phosphorus reduction credits for the 2013 Compliance Year; 2,083 nitrogen reduction credits for the 2014 Compliance Year; 107 phosphorus reduction credits for the 2014 Compliance Year; 1,975 nitrogen reduction credits for the 2015 Compliance Year; 98 phosphorus reduction credits for the 2015 Compliance Year; 1,866 nitrogen reduction credits for the 2016 Compliance Year; and 88 phosphorus reduction credits for the 2016 Compliance Year. This certification is valid until September 30, 2016, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activity may only be generated if renewal or recertification, which will be based on the program requirements in place on the date of the renewal or recertification submission, is obtained. Notice of the certification request was published for comment at 42 Pa.B. 730 (February 4, 2012).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-840. Filed for public inspection May 11, 2012, 9:00 a.m.]

### **Pennsylvania's 2013 Ambient Air Monitoring Network Plan; Availability for Public Comment**

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants in 40 CFR Parts 53 and 58 (relating to

ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires state and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Under 40 CFR 58.10 (relating to annual monitoring network plan and periodic network assessment), air quality state and local monitoring agencies must adopt an annual air-monitoring network plan and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due July 1, 2012, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA may also provide an opportunity for review and comment prior to approving or disapproving a State's Monitoring Network Plan.

On May 12, 2012, the 2013 Annual Air Monitoring Network Plan will be made available for public comment on the Department's web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. The plan has been updated to address changes that have been made in the Commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in 2013.

The public is invited to submit comments on this network plan. Comments must be received by the Department on or before June 11, 2012. Written comments should be sent to the attention of Nicholas Lazor, Chief, Division of Air Quality Monitoring, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [rapair@pa.gov](mailto:rapair@pa.gov). Use "Annual Monitoring Network Plan" as the subject line.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-841. Filed for public inspection May 11, 2012, 9:00 a.m.]

### **Proposed Annual Monitoring Network Plan for Philadelphia**

Part 58 of 40 CFR (relating to ambient air quality surveillance) requires state and local air pollution control agencies to adopt and submit to the United States Environmental Protection Agency (EPA) Regional Administrator an Annual Monitoring Network Plan (AMNP) by July 1, 2012. The AMNP provides for the establishment and maintenance of an air quality surveillance system that consists of a network of monitoring stations. A proposed AMNP must be made available for public inspection for at least 30 days prior to submission to the EPA.

Air Management Services is the local air pollution control agency for the City of Philadelphia under the Department of Public Health. Philadelphia has an air monitoring network of 11 air monitoring stations that house instruments that measure ambient levels of air pollutants.

The proposed AMNP is available for public inspection on the City's web site at <http://www.phila.gov/health/AirManagement/index.html> and at the office of Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104, during normal business hours. For further information, contact Henry Kim, Chief of Program Services at (215) 685-9439.

Written comments on the proposed AMNP should be sent to Henry Kim, Chief of Program Services, Air Management Services, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Only written comments will be accepted. Comments received by facsimile will not be accepted. Persons wishing to file comments on the proposed AMNP must submit comments by June 12, 2012.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-842. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Solid Waste Advisory Committee Meeting Cancellation**

The Solid Waste Advisory Committee (Committee) meeting scheduled for Thursday, June 7, 2012, has been cancelled. The next Committee meeting is scheduled for Thursday, September 13, 2012, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next meeting of the Committee should be directed to Ali Tarquino-Morris at (717) 783-2360, altarquino@pa.gov. The agenda and meeting materials for the September 13, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-843. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Stream Redesignation Evaluations; Water Quality Standards Review**

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the following streams to determine the proper Aquatic Life Use or Special Protection designations in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Lycoming Creek, Basin	Lycoming, Tioga	West Branch Susquehanna River
West Branch Susquehanna River tributaries, Basins from Sinnemahoning Creek to Pine Creek	Clinton	West Branch Susquehanna River

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Council Run, Basin	Centre	Beech Creek
Mehoopany Creek, Basin from source to the confluence with the North Fork Mehoopany Creek	Wyoming, Sullivan	Susquehanna River
UNT (unnamed tributary) 08187 to South Branch Codorus Creek (locally known as Shaeffer Hollow), Basin	York	South Branch Codorus Creek
Beaver Creek, Basin	York	Susquehanna River
Cabin Creek, Basin	York	Susquehanna River
Mitchell Run, UNTs 17754 and 17777 to Middle Creek, Basins	Snyder	Middle Creek
Swiftwater Creek, Basin	Monroe	Forest Hills Run
UNT 01714 to Schuylkill River (locally known as Mill Creek), Basin	Berks	Schuylkill River
Perry Magee Run, Basin	Warren	Allegheny River
Camp Run, Basin	Armstrong	Mahoning Creek

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, tshaw@pa.gov. Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

More information on stream redesignation notifications is available online at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: "Stream Assessment Notification").

Lycoming Creek mainstem is currently designated Cold Water Fishes, Migratory Fishes (CWF, MF) from the source to Long Run. Tributaries to Lycoming Creek from source to Long Run are currently designated High Quality-Cold Water Fishes, Migratory Fishes (HQ-CWF, MF). Lycoming Creek basin is currently designated Warm Water Fishes, Migratory Fishes (WWF, MF) from Long Run to the mouth. The study area will include the entire Lycoming Creek basin.

West Branch Susquehanna River tributaries from Sinnemahoning Creek to Queens Run are currently designated HQ-CWF, MF with the exception of the following named tributaries that are currently designated Exceptional Value: Fish Dam, Barney and Paddy Runs, Boggs Hollow, Young Womans Creek basin from source to Left Branch Young Woman and Lick Run basin from source to the uppermost SR 1001 crossing; and the following named



tributaries which are currently designated CWF, MF: Cooks Run, the lower reaches of Drury Run and Tangascootack Creek. West Branch Susquehanna River tributaries from Queens Run to Pine Creek (not including Bald Eagle Creek) are currently designated CWF, MF with the exception of Love and Henry Runs, which are designated HQ-CWF, MF. The study area will include West Branch Susquehanna River tributary basins from Sinnemahoning Creek to Pine Creek, with the exception of Kettle, Tangascootack and Bald Eagle Creeks.

UNT 08187 to South Branch Codorus Creek basin (locally known as Shaeffer Hollow), Cabin Creek and UNT 01714 to Schuylkill River (locally known as Mill Creek) basins are currently designated WWF, MF. These study areas will include each basin in its entirety.

The Mehoopany Creek basin from the source to the confluence with the North Fork Mehoopany Creek is currently designated HQ-CWF, MF. The study area will include the entire Mehoopany Creek basin from the source to the confluence with the North Fork.

The Swiftwater Creek basin is currently designated HQ-CWF, MF. The study area will include the entire Swiftwater Creek basin.

Beaver Creek, Mitchell Run, UNTs 17754 and 1777 to Middle Creek and Council Run basins are currently designated CWF, MF. These study areas will include each basin in its entirety.

Camp and Perry Magee Runs basins are currently designated CWF. These study areas will include each basin in its entirety.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-844. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Water Resources Advisory Committee Meeting

The Water Resources Advisory Committee will hold a meeting on Wednesday, May 16, 2012, at 9:30 a.m. in The Susquehanna Conference Room, Department of Environmental Protection South Central Regional Office Building, 909 Elmerton Avenue, Harrisburg, PA.

Questions concerning this meeting can be directed to Duke Adams at (717) 783-7404, ranadams@pa.gov. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Duke Adams directly at (717) 783-7404 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-845. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P. S. §§ 51—732), has published the proposed 2012 real property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

Individuals who wish to comment on the proposed plan should do so in writing to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 12-846. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny Reproductive Health Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny Reproductive Health Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.8-3.6.5.1, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-847. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Allentown Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allentown Women's Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.8-3.6.5.1, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code § 551.22(2) (relating to criteria for performance of ambulatory surgery on pediatric patients).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-848. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Berger & Benjamin, LLP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berger & Benjamin, LLP has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard

contained in this publication: 3.8-3.6.5.1, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2), 571.2(d) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; modification of HHS requirements; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-849. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Philadelphia Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Philadelphia Women's Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.8-3.3, 3.8-3.6.5.1, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2), 571.2(d) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; modification of HHS requirements; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-850. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Central Pennsylvania, York Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Central Pennsylvania, York Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.7-3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1, 3.7-3.3.6.2, 3.8-3.3, 3.8-3.4.2.2, 3.8-3.6.5, 3.8-3.6.6, 3.8-3.7, 3.8-5.1.2, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-7.2.2.2(2), 3.8-7.2.3.2(2) and 3.8-7.2.3.4(2).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-851. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Western Pennsylvania, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Western Pennsylvania, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b), 559.3(b) and 571.2(d).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-852. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Western Pennsylvania, Women's Health Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Western Pennsylvania, Women's Health Services has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.7-3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1, 3.7-3.3.6.2, 3.8-3.3, 3.8-3.4.2.2, 3.8-3.6.5, 3.8-3.6.6, 3.8-3.7, 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-7.2.2.2(2), 3.8-7.2.3.2(2) and 3.8-7.2.3.4(2).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-853. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Planned Parenthood York Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood York Health Center has requested an exception to the requirements of 28 Pa. Code §§ 29.33(13), 551.22(2) and (3)(i), 555.24(b), 559.3(b) and 567.11(5).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-854. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application of Reproductive Health and Counseling Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reproductive Health and Counseling Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.8-5.1.2.1, 3.8-5.1.2.2, 3.8-3.3, 3.8-7.2.3.2(2), 3.8-7.2.3.3 and 3.8-7.2.3.4(2).

This facility is also requesting exception to 28 Pa. Code §§ 551.22(2), 571.2(d) and 571.12(b) and (c) (relating to criteria for performance of ambulatory surgery on pediatric patients; modification of HHS requirements; and submission stages).

Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-855. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Health Care Associated Infection Benchmarking Areas for Hospitals under the Medical Care Availability and Reduction of Error (MCARE) Act; Final Notice

Section 408(9) of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. § 1303.408(9)) requires that the Department of Health (Department) publish a notice in the *Pennsylvania Bulletin* of the specific benchmarks the Department will use under section 408(8) to measure the progress health care facilities are making to reduce the incidence of healthcare associated infections (HAI). Before publishing a final notice on the benchmarks, the Department is to seek public comment and respond to any comments received during the public comment period.

The public notice was published at 42 Pa.B. 273 (January 14, 2012). The Department proposed to use catheter-associated urinary tract infections (CAUTI), central line-associated bloodstream infections and selected surgical site infections (SSI) as benchmarking conditions. For these HAI infection types, the Department proposed to define hospitals that are not meeting reduction targets as those that, for each of the two most recent years of analyzed data, had both standardized infection ratios (SIR) and infection rates that were above the 90th percentile when compared to other Commonwealth hospitals.

During the 30-day comment period, the Department received a total of four submissions. These comments were generally supportive of the approach proposed by the Department but raised concerns about the inherent difficulty of assessing performance across the range of hospitals found in this Commonwealth. Specific comments are summarized as follows along with the Department's response. Some respondents raised multiple concerns. Therefore the total number of items exceeds the number of submissions. The number of respondents who raised each concern is included.

1. *Two respondents indicated the data used for analysis should be as accurate as possible. They felt that until the*

*data used for analysis had been validated through auditing, it is possible that conclusions based on the current data set will be inaccurate and potentially biased.*

The Department concurs that audits of data quality are important to assure the accuracy of reporting by Commonwealth hospitals and the validity of analyses of the data performed by the Department. The Commonwealth uses a number of auditing methods to accomplish these goals. All data submitted to the National Healthcare Safety Network (NHSN) by Commonwealth hospitals are assessed for potential errors and hospitals receive a quarterly data integrity validation (DIV) report and are asked to investigate and (if necessary) correct any errors. Since the DIV report has been in operation as a feedback mechanism, the number of identified errors has declined substantially. In addition, Department representatives routinely visit hospitals to determine whether HAI reporting requirements and data collection methods are being followed. Finally, the Department has conducted onsite chart audits of both 2009 and 2010 HAI data in a selected sample of hospitals. Findings of these audits were provided to the audited hospitals and seminars were conducted for all hospitals to review the overall results to identify common issues and improve reporting accuracy. The Department agrees that more extensive onsite chart audits would be beneficial. However, conducting onsite audits of all Commonwealth hospitals before the data are analyzed would result in substantial delays in producing any reports. In addition, the findings of the chart audits performed to date do not suggest that error rates are high enough (either over- or under-reporting) to invalidate the data analyses published to date by the Department. Therefore, the Department does not believe the published benchmarking methods require modification based on this comment.

*2. Two respondents noted there are important differences between different types and groups of hospitals that cannot be easily accounted for through the use of an overall SIR. These respondents felt it was not appropriate to aggregate all Commonwealth hospitals to generate SIRs for the proposed ranking as described in the Notice.*

The Department concurs that there are differences between hospitals (individually and by group). Each hospital differs by location, by size, by population served and by the level and type of care. The Department accounts for these differences through indirect adjustment of the predicted number of infections (which in turn determines the SIR) based on the ward types present in each hospital, by hospital size, medical school affiliation and hospital geographic location. These are factors commonly recognized as possibly confounding HAI rates. For SSIs, direct adjustment using patient-level data is performed. However, there are no adjustment methods that can perfectly account for differences between hospitals. Sub-stratification of hospitals for the purposes of generating SIRs based on hospital type or other factors would be problematic because the number of facilities in some categories would be small and would make generation of meaningful SIRs nearly impossible. The Department believes the use of an overall SIR for benchmarking purposes is a reasonable approach and therefore does not believe the proposed analytic method requires modification based on this comment.

*3. Two respondents suggested that additional strategies are needed to standardize data from hospitals that provide care to children, as the risk factors for infection in children are different from the risk factors in adults. The*

*respondents felt the adjustments used by the Department to generate SIRs are insufficient to account for these risk factors.*

The Department concurs that risk factors for infection in children may differ from those in adults. This is why the Department calculates Statewide ward-specific rates (including rates for pediatric ward types) and incorporates these rates into its risk adjustment calculations by adjusting for the ward types present in each hospital. This Commonwealth has a small number of exclusively pediatric hospitals, but the number of general hospitals that have pediatric wards (including neonatal intensive care units) is much larger. Therefore it would be inappropriate to separately display or separately calculate SIRs for pediatric-only facilities with the knowledge that a large proportion of pediatric care occurs in other hospital types. The Department welcomes feedback that might improve current risk adjustment methods. But this feedback would not produce any alteration in the proposed approach to identifying hospitals not meeting benchmark reduction targets. It would only alter which hospitals would be identified by the proposed method. Therefore no changes need to be made in the methods based on this comment.

*4. One respondent indicated that the approach to identifying hospitals not making progress towards the reduction of HAIs should be amended, as there may be organizations identified as not making progress that have actually decreased their rates of infection, but the decreases are not as large as those that have occurred in other organizations. In addition, it may be difficult to identify reductions for organizations that have successfully reduced utilization of devices such as urinary catheters and central lines as an HAI prevention method.*

The Department concurs that a hospital's annual SIR may paradoxically increase if the rates of HAI reductions occurring in most other hospitals are greater than the ones that have occurred at the hospital in question. This is because the predicted number of infections at each hospital is based on overall Statewide rates. This is the reason the Department has chosen to assess both the SIR and the actual HAI rate for each hospital, and to only cite hospitals that have both SIRs and rates that are above the 90th percentile. This approach identifies hospitals not performing as well as its peers, and does not penalize hospitals with very low HAI rates even though the rate may slightly increase from one year to the next. The Department considers its approach to be a broad one that fulfills the obligation to identify less well performing hospitals without citing hospitals that are sufficiently addressing HAI prevention.

*5. One respondent suggested that organizations may be repeatedly identified as not meeting benchmark reduction targets.*

The respondent is correct that the same hospital may be repeatedly identified as not meeting benchmark reduction targets. If certain hospitals are not making sufficient progress in comparison to other hospitals or have sustained high SIRs and rates, the Department's methods will continue to identify these institutions. Hopefully, this will allow the hospital to identify approaches that will reduce their HAI incidence in future years. The Department does not believe that citing a facility for one 2-year period should remove it from being cited again if the rates or SIRs remain high.

*6. One respondent noted that the methodology appears to be biased against larger organizations that care for more complex patients.*

The Department has performed and published analyses of HAI data for the last half of 2008, for 2009 and for 2010. The findings indicate that larger hospitals tend to have SIRs that are significantly higher or lower than predicted when compared to smaller hospitals. This is because the larger number of HAIs, device days and patient days allows more reliable estimates of actual rates to be calculated. This can be seen in the much narrower confidence intervals for larger hospitals than smaller hospitals. However, the proposed methodology for identifying hospitals with high SIRs or rates considers only the actual SIR and rate, not their significance. This approach would therefore not penalize larger hospitals, and no changes are needed based on this comment.

*7. One respondent noted that the proposed approach does not use the most currently available information. Hospitals that are identified as not meeting benchmark targets may have actually made progress since the time period used for the calculations. The proposed methodology should be used as a screening tool only and a correction plan should only be required if there is no evidence of subsequent improvement with more recent data.*

The Department produces an annual report on HAIs. This report is targeted for publication approximately 6 months after the close of the reporting period because data submission, DIV and data cleaning follow a 4-month cycle. In addition, implant-associated surgical procedures must be followed to see if an HAI develops for a full 12 months post-procedure. Therefore, SSI data has a 1-year lag period for reporting. The Department does not believe it is appropriate to use more recent (which would be partial year, provisional data) data to determine whether a hospital should be cited for the previous 2 years of high SIRs and rates. The goal of notifying the hospitals of this finding is to alert them to the problem and assist them in identifying and correcting the conditions that result in HAIs. If the hospital has been following the Department's published reports, it may already have noted its performance relative to other facilities and taken appropriate steps. In this situation, no further actions or interventions would be needed unless the interventions are unsuccessful. Since this comment does not suggest any changes in the proposed benchmark methods, the Department does not believe the proposed approach needs modification based on the comment.

Therefore, the final approach to benchmarking hospitals and identifying those not making sufficient progress in reducing HAIs is as follows:

The Department, under section 408(8) and (9) of the MCARE Act, publishes this notice regarding the methods to be used to measure progress of hospitals in reducing the occurrence of HAIs and identify hospitals not meeting benchmark reduction targets.

#### A. Purpose and Statutory Authority

Section 408(8) of the MCARE Act requires that the Department develop, in consultation with the Patient Safety Authority and the Pennsylvania Health Care Cost Containment Council, "reasonable benchmarks to measure the progress [hospitals] make toward reducing health care-associated infections." The section further provides, "Beginning in 2010, all health care facilities shall be measured against these benchmarks."

Section 408(9) of the MCARE Act requires that the Department publish a notice in the *Pennsylvania Bulletin* of the specific benchmarks the Department will use under section 408(8) of the MCARE Act to measure health care facilities. Section 408(9) of the MCARE Act requires that prior to publishing the final notice, the Department is to seek public comment for at least 30 days on the benchmarks and respond to the comments received during the public comment period. The Department published a notice at 42 Pa.B. 273 announcing these benchmarks and requesting public comment. The Department's responses to these comments are included in the present notice.

#### B. Background

Since the HAI reporting provisions of Chapter 4 of the MCARE Act (40 P. S. §§ 1303.401—1303.411) took effect in February 2008, the Department has used the following list of HAIs for benchmarking purposes:

- Central Line Associated Blood Stream Infection (CLABSI)
- CAUTI
- SSI for:
  - o Coronary artery bypass graft with both chest and donor site incisions
  - o Coronary artery bypass graft with chest incision only
  - o Cardiac surgery
  - o Hip arthroplasty
  - o Knee arthroplasty
  - o Abdominal hysterectomy (HYST)

Data on these benchmark HAIs have been published annually. Currently, data from 2009 is considered to be the baseline year for trend analysis. As published at 41 Pa.B. 6454 (December 3, 2011), beginning January 1, 2012, the Department will also collect data regarding SSIs for colon surgeries for benchmarking purposes in the future.

Infections associated with surgeries that involve an implant may not develop or be detectable for some time following the surgical procedure. Accordingly, the United States Department of Health and Human Services, Centers for Disease Control and Prevention, NHSN, requires a full year of patient follow-up for complete identification and reporting of infections associated with procedures that involve an implant. Among the six surgical procedure types selected for benchmark SSI consideration, all but abdominal HYSTs may involve an implant. Consequently, annual data on SSIs are published in the year after data on CLABSIs and CAUTIs is published, that is, HAI data published in 2011 includes the CLABSI and CAUTI data for procedures completed in 2010 and the SSI data for procedures completed in 2009. At this time, the 2010 data for SSIs that is required for comparison to the 2009 baseline year is not available yet. However, the 2010 data needed to measure health care facilities against benchmarks are available for CLABSIs and CAUTIs.

#### C. Benchmark Methodology

The Department uses two metrics for calculating rates for CAUTIs and CLABSIs. The first metric is the incidence rate of infection. For CAUTIs, this is the number of infections per 1,000 urinary catheter days. For CLABSIs, this is the number of infections per 1,000 central line days. The second metric used by the Department is the SIR. The SIR consists of the number of infections observed (reported) by the health care facility divided by the number of infections predicted to be reported by the

health care facility. The predicted number is a risk-adjusted calculation made by the Department based on Statewide rates of HAIs. The methodology for risk adjustment and calculation of the predicted number of infections can be found in the published annual HAI reports prepared by the Department and posted on its web site, <http://www.health.state.pa.us>. SIRs are produced for each hospital.

For the initial measurement of hospital progress in reducing HAIs, the Department proposes to rank all hospitals separately by their incidence rates of infection and SIRs for CAUTIs and CLABSI, in two separate consecutive years, currently 2009 and 2010. Accordingly, hospitals will be ranked for:

CAUTI Benchmark Targets:

- 1) Incidence rate of infection for CAUTIs in year one
- 2) SIRs for CAUTIs in year one
- 3) Incidence rate of infection for CAUTIs in year two
- 4) SIRs for CAUTIs in year two

CLABSI Benchmark Targets:

- 1) Incidence rates of infection for CLABSIs in year one
- 2) SIRs for CLABSIs in year one
- 3) Incidence rates of infection for CLABSIs in year two
- 4) SIRs for CLABSIs in year two

The Department will then identify the hospitals that fall above the 90th percentile for all Commonwealth hospitals in each of the previously listed rankings. As an example, the 90th percentile for the 2010 CAUTI rate was 3.81 per 1,000 catheter days and the 90th percentile for the 2010 CAUTI SIR was 2.37. Any hospital identified as having both an incidence rate of CAUTIs and an SIR for CAUTIs above the 90th percentile for all Commonwealth hospitals in 2 consecutive years shall be considered not making progress towards the reduction of CAUTI HAI rates. Similarly, any hospital identified as having both an incidence rate of CLABSIs and an SIR for CLABSIs above the 90th percentile for all Commonwealth hospitals in 2 consecutive years shall be considered not making progress towards the reduction of CLABSI HAI rates.

When the 2010 data are available for SSIs, similar procedures will be used to identify the hospitals not making progress towards meeting the SSI benchmark targets for each individual procedure. In subsequent years, the Department will conduct a similar analysis for CAUTIs, CLABSIs and SSIs using the most currently available annual data for 2 consecutive years.

*D. Affected Persons*

All hospitals are currently required to comply with the HAI reporting requirements of the MCARE Act and will be measured for progress in meeting benchmark targets set forth. Section 103 of the MCARE Act (40 P.S. § 1303.103) defines a "hospital" as "An entity licensed as a hospital under the act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L. 130, No. 48), known as the Health Care Facilities Act."

For additional information, or for persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille), contact the Office of Healthcare Associated Infection Prevention, 555 Walnut Street, 8th Floor Forum Place, Harrisburg, PA 17101, 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, MH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-856. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Long-Term Care Nursing Facilities; Request for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Westminster Village  
803 North Wahneta Street  
Allentown, PA 18103  
FAC ID 124102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Cranberry Place  
5 St. Francis Way  
Cranberry Township, PA 16066

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-857. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Organ Donation Advisory Committee Meeting**

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 7, 2012, from 10 a.m. to 3 p.m. The meeting will be held at the

Giant Community Center, 2nd Floor Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, 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. 12-858. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Black Tie 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 Black Tie.

2. *Price:* The price of a Pennsylvania Black Tie instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Black Tie instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY) and a Diamond (DMND) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$15<sup>.00</sup> (FIFTN), \$20<sup>.00</sup> (TWENTY), \$30<sup>.00</sup> (THIRTY), \$50<sup>.00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$25,000 (TWYFIVTHO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$150, \$200, \$400, \$500, \$1,000, \$10,000, \$25,000 and \$300,000. A player can win up to 16 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct one Pennsylvania Black Tie Event second-chance drawing for which non-winning Pennsylvania Black Tie instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 11,520,000 tickets will be printed for the Pennsylvania Black Tie instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in twelve of the “prize” areas and a prize symbol of \$100 (ONE HUN) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$30<sup>.00</sup> (THIRTY) appears in fifteen of the “prize” areas and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in twelve of the “prize” areas, a prize symbol of \$30<sup>.00</sup> (THIRTY)



appears in two of the “prize” areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$200 (TWO HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in twelve of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$150.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in fourteen of the “prize” areas, on a single ticket, shall be entitled to a prize of \$150.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Diamond (DMND) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in thirteen 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 \$15<sup>00</sup> (FIFTN) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *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>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 11,520,000 Tickets:</i>
\$5 × 2	\$10	15	768,000
\$10	\$10	12	960,000
\$5 + \$10	\$15	120	96,000
\$15	\$15	120	96,000
\$5 × 4	\$20	120	96,000
(\$5 × 2) + \$10	\$20	60	192,000
\$10 × 2	\$20	120	96,000
\$20	\$20	60	192,000
\$5 × 6	\$30	600	19,200
\$10 × 3	\$30	300	38,400
\$10 + \$20	\$30	600	19,200
\$30	\$30	600	19,200
\$5 × 10	\$50	150	76,800
\$10 × 5	\$50	75	153,600
\$20 + \$30	\$50	150	76,800
\$50	\$50	75	153,600
DIAMOND w/(\$5 × 13) + (\$10 × 2) + \$15	\$100	600	19,200
\$10 × 10	\$100	600	19,200
\$20 × 5	\$100	600	19,200
\$50 × 2	\$100	600	19,200

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,520,000 Tickets:
\$100	\$100	600	19,200
DIAMOND w/(\$5 × 2) + (\$10 × 14)	\$150	2,000	5,760
\$15 × 10	\$150	6,000	1,920
\$30 × 5	\$150	6,000	1,920
\$50 × 3	\$150	6,000	1,920
\$50 + \$100	\$150	6,000	1,920
\$150	\$150	6,000	1,920
DIAMOND w/(\$10 × 12) + (\$20 × 4)	\$200	3,333	3,456
(\$15 × 10) + \$50	\$200	8,000	1,440
\$20 × 10	\$200	8,000	1,440
\$50 × 4	\$200	8,000	1,440
\$100 × 2	\$200	10,000	1,152
\$200	\$200	10,000	1,152
DIAMOND w/(\$20 × 12) + (\$30 × 2) + (\$50 × 2)	\$400	4,000	2,880
\$50 × 8	\$400	12,000	960
\$100 × 4	\$400	12,000	960
\$400	\$400	12,000	960
DIAMOND w/(\$30 × 15) + \$50	\$500	4,000	2,880
\$50 × 10	\$500	24,000	480
\$100 × 5	\$500	24,000	480
(\$150 × 2) + \$200	\$500	24,000	480
\$500	\$500	24,000	480
DIAMOND w/(\$50 × 12) + (\$100 × 4)	\$1,000	12,000	960
\$100 × 10	\$1,000	60,000	192
\$200 × 5	\$1,000	60,000	192
(\$150 × 6) + \$100	\$1,000	60,000	192
\$500 × 2	\$1,000	60,000	192
\$1,000	\$1,000	60,000	192
\$1,000 × 10	\$10,000	320,000	36
\$10,000	\$10,000	320,000	36
\$25,000	\$25,000	320,000	36
\$300,000	\$300,000	960,000	12

Reveal a "DIAMOND" (DMND) symbol, win all 16 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

**10. Pennsylvania Lottery's Black Tie Event Second-Chance Drawing Requirements:**

(a) To be eligible for the Pennsylvania Lottery's Black Tie Event second-chance drawing, players must enter one non-winning PA-0931 Black Tie (\$10) instant lottery ticket via the Lottery's website (palottery.com). To enter non-winning tickets players must visit the Lottery's website, click on the Black Tie Event promotional link, follow the instructions to establish an entry account and enter the identifying information from one PA-0931 Black Tie (\$10) instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries must be submitted from a computer within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's Black Tie Event second-chance drawing is via the Pennsylvania Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) Entering a non-winning PA-0931 Black Tie (\$10) instant ticket will entitle the player to one entry in the Pennsylvania Lottery's Black Tie Event second-chance drawing. Players may submit unlimited entries for the Pennsylvania Lottery's Black Tie Event second-chance drawing.

**11. Pennsylvania Lottery's Black Tie Event Second-Chance Drawing:**

(a) The Lottery will conduct one second-chance drawing as part of the Pennsylvania Lottery's Black Tie Event promotion. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery's Black Tie Event second-chance drawing entries received on or before 11:59:59 p.m. July 23, 2012, will be entered in the Pennsylvania Lottery's Black Tie Event second-chance drawing, which will be held the week of July 24, 2012.

(2) The winners of the Pennsylvania Lottery's Black Tie Event second-chance drawing will be announced during the Pennsylvania Lottery's live drawing show on July 28, 2012.

(3) The odds of an entry being selected in a Pennsylvania Lottery's Black Tie Event second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in the Pennsylvania Lottery's Black Tie Event second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's Black Tie Event second-chance drawing.

(d) If a Pennsylvania Lottery's Black Tie Event second-chance drawing entry is rejected during or following a Pennsylvania Lottery's Black Tie Event second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing. Subsequent entries, from the same individual, selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's Black Tie Event second-chance drawing rules and any material describing the Pennsylvania Lottery's Black Tie Event second-chance drawing, the Pennsylvania Lottery's Black Tie Event second-chance drawing rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC and other agents and families living in the same household of each are not eligible to participate in the Pennsylvania Lottery's Black Tie Event second-chance drawing. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's Black Tie Event second-chance drawing is not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's Black Tie Event second-chance drawing.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's Black Tie Event second-chance drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's Black Tie Event second-chance drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner).

#### 12. Description of Pennsylvania Lottery's Black Tie Event second-chance drawing prizes:

(a) The first winner selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$50,000.

(b) The second winner selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$25,000.

(c) The third winner selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$10,000.

(d) The fourth through the sixth winners selected in the Pennsylvania Lottery's Black Tie Event second-chance drawing, held the week of July 24, 2012, shall be entitled to \$5,000.

(e) All prizes awarded in the Pennsylvania Lottery's Black Tie Event shall be paid as lump-sum cash payments.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Black Tie instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Black Tie, prize money from winning Pennsylvania Black Tie 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 Black Tie 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.

15. *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.

16. *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 Black Tie or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-859. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Pennsylvania Money Roll 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 Money Roll.

2. *Price:* The price of a Pennsylvania Money Roll instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Money Roll instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Apple (APPLE) symbol, Gold Bar (BAR) symbol, Bell (BELL) symbol, Berries (BERRY) symbol, Bow Tie (BOW) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Coat (COAT) symbol, Crown (CROWN) symbol, Diamond (DMND) symbol, Gift (GIFT) symbol, Grapes (GRAPES) symbol, House (HOUSE) symbol, Key (KEY) symbol, Lemon (LEMON) symbol, Melon (MELON) sym-

bol, Necklace (NKLACE) symbol, Piggybank (PIGBNK) symbol, Pineapple (PINAPLE) symbol, Pot of Gold (POT) symbol, Rainbow (RAINBW) symbol, Ring (RING) symbol, Safe (SAFE) symbol, Horseshoe (SHOE) symbol, Star (STAR) symbol, 7 (SVN) symbol, Wallet (WALLET) symbol, \$\$ (DBL\$) symbol and a Moneyroll (MNYROLL) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$75<sup>00</sup> (SVY FIV), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$75, \$100, \$250, \$500, \$1,000 and \$25,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,400,000 tickets will be printed for the Pennsylvania Money Roll instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$75<sup>00</sup> (SVY FIV) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$150.

(g) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$75<sup>00</sup> (SVY FIV) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$75.

(i) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$50<sup>00</sup>

(FIFTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with a \$\$ (DBL\$) symbol in the play area, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area under that \$\$ (DBL\$) symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets with a Moneyroll (MNYROLL) symbol in the play area, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area under that Moneyroll (MNYROLL) symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "MONEYROLL" (MNYROLL)  
Symbol, Win Prize Shown Under It. Win  
With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,400,000 Tickets
\$1 w/\$\$	\$2	15	760,000
\$2	\$2	16.67	684,000
\$2 × 2	\$4	75	152,000
\$2 w/\$\$	\$4	37.5	304,000
\$4	\$4	75	152,000
(\$2 w/\$\$) + \$1	\$5	50	228,000
\$5	\$5	150	76,000
\$2 × 5	\$10	375	30,400
\$5 × 2	\$10	750	15,200
\$5 w/\$\$	\$10	300	38,000
\$10	\$10	500	22,800
\$2 × 10	\$20	750	15,200
\$5 × 4	\$20	750	15,200
\$10 w/\$\$	\$20	300	38,000
\$20	\$20	750	15,200
\$4 × 10	\$40	1,500	7,600
\$10 × 4	\$40	2,400	4,750
\$20 × 2	\$40	2,182	5,225
(\$10 w/\$\$) × 2	\$40	1,500	7,600
\$20 w/\$\$	\$40	1,500	7,600
\$40	\$40	2,182	5,225
\$20 + (\$10 × 2) + (\$5 × 7)	\$75	2,000	5,700
(\$20 × 3) + \$10 + \$5	\$75	4,000	2,850
(\$20 w/\$\$) + (\$10 w/\$\$) + (\$5 w/\$\$) + \$5	\$75	3,000	3,800
\$75	\$75	4,000	2,850
\$10 × 10	\$100	6,000	1,900
\$75 + \$20 + \$5	\$100	8,000	1,425
(\$5 w/\$\$) × 10	\$100	4,800	2,375
(\$10 w/\$\$) × 5	\$100	4,800	2,375
\$100	\$100	8,000	1,425
(\$100 × 2) + \$50	\$250	40,000	285
(((\$20 w/\$\$) × 6) + \$10	\$250	24,000	475
(\$75 w/\$\$) + \$100	\$250	24,000	475
\$250	\$250	40,000	285
\$100 × 5	\$500	60,000	190
\$250 w/\$\$	\$500	30,000	380
\$500	\$500	60,000	190
\$1,000	\$1,000	40,000	285
\$25,000	\$25,000	760,000	15

Reveal a "\$\$" (DBL\$) symbol, win double the prize shown under it.

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 Money Roll 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 Money Roll, prize money from winning Pennsylvania Money Roll 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 Money Roll 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 Money Roll or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-860. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Pennsylvania \$10,000 A Month For Life '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 \$10,000 A Month For Life '12.

2. *Price:* The price of a Pennsylvania \$10,000 A Month For Life '12 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania \$10,000 A Month For Life '12 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), LIFE (LIFE) symbol and a Star (STAR) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$10,000 (\$10,000/MO/LF).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$10,000 a month for life (\$2.4 million lifetime minimum). A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 19,680,000 tickets will be printed for the Pennsylvania \$10,000 A Month For Life '12 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of LIFE (\$10,000/MO/LF) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000 a month for life (\$2.4 million lifetime minimum) which will be paid by an initial cash payment of \$120,000 plus equal annual payments of \$120,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$2.4 million minimum has been paid to the designated beneficiary(s) or the estate of the deceased. If the winner of the Pennsylvania \$10,000 A Month For Life '12 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$5,000 (FIV THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$15.<sup>00</sup> (FIFTN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$15.<sup>00</sup> (FIFTN) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the “Prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 19,680,000 Tickets:</i>
\$5	\$5	10	1,968,000
\$5 × 2	\$10	60	328,000
\$10 w/STAR	\$10	60	328,000
\$10	\$10	60	328,000
\$5 × 3	\$15	200	98,400
\$5 + \$10	\$15	200	98,400
\$15 w/STAR	\$15	100	196,800
\$15	\$15	150	131,200
\$5 × 4	\$20	300	65,600
\$10 × 2	\$20	300	65,600
\$20 w/STAR	\$20	150	131,200
\$20	\$20	300	65,600
\$5 × 5	\$25	600	32,800
\$5 + \$20	\$25	600	32,800
(\$10 w/STAR) + (\$15 w/STAR)	\$25	300	65,600
\$25 w/STAR	\$25	600	32,800
\$25	\$25	600	32,800
\$10 × 4	\$40	600	32,800
\$20 × 2	\$40	600	32,800
\$40 w/STAR	\$40	600	32,800
\$40	\$40	600	32,800
\$10 × 5	\$50	600	32,800
\$25 × 2	\$50	600	32,800
\$50 w/STAR	\$50	600	32,800
\$50	\$50	600	32,800
\$20 × 5	\$100	2,000	9,840
\$25 × 4	\$100	2,000	9,840
\$50 × 2	\$100	2,000	9,840
(\$10 w/STAR) × 10	\$100	1,500	13,120
\$100 w/STAR	\$100	1,500	13,120
\$100	\$100	2,000	9,840

When Any Of Your Numbers Match Any  
Winning Number, Win Prize Shown  
Under The Matching Number. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 19,680,000 Tickets:	
\$25 × 8	\$200	30,000	656
\$50 × 4	\$200	30,000	656
\$100 × 2	\$200	24,000	820
(\$20 w/STAR) × 10	\$200	20,000	984
\$200 w/STAR	\$200	20,000	984
\$200	\$200	24,000	820
\$100 × 5	\$500	120,000	164
(\$50 w/STAR) × 10	\$500	120,000	164
\$500 w/STAR	\$500	120,000	164
\$500	\$500	120,000	164
\$500 × 2	\$1,000	60,000	328
(\$100 w/STAR) × 10	\$1,000	30,000	656
\$1,000 w/STAR	\$1,000	30,000	656
\$1,000	\$1,000	60,000	328
\$5,000	\$5,000	492,000	40
LIFE	\$10,000/MO/LIFE	4,920,000	4

Reveal a "STAR" (STAR) symbol, win prize shown under it automatically.  
Reveal a "LIFE" (LIFE) symbol, win \$10,000 a month for life.

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 \$10,000 A Month For Life '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 \$10,000 A Month For Life '12, prize money from winning Pennsylvania \$10,000 A Month For Life '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 \$10,000 A Month For Life '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 \$10,000 A Month For Life '12 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-861. Filed for public inspection May 11, 2012, 9:00 a.m.]

## Pennsylvania Triple Dynamite 777 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 Triple Dynamite 777.

2. *Price:* The price of a Pennsylvania Triple Dynamite 777 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Triple Dynamite 777 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), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 7 (SEVEN) symbol and a Dynamite (DYNMT) symbol.

4. *Prize Symbols:* The prize symbols and their captions are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$75<sup>00</sup> (SVY FIV), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$17,000 (SVTN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$75, \$100, \$250, \$500, \$1,000, and \$17,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 11,040,000 tickets will be printed for the Pennsylvania Triple Dynamite 777 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$17,000 (SVTN THO) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$17,000.



(b) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets with a Dynamite (DYNMT) 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 Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$120.

(f) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$75<sup>00</sup> (SVY FIV) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$75.

(h) Holders of tickets with a Dynamite (DYNMT) 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 Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$60.

(i) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a 7 (SEVEN) 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 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a Dynamite (DYNMT) 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 Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets with a 7 (SEVEN) 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 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a Dynamite (DYNMT) 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 Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets with a 7 (SEVEN) 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 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a Dynamite (DYNMT) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that Dynamite (DYNMT) symbol, on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets with a 7 (SEVEN) 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 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with a 7 (SEVEN) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area to the right of that 7 (SEVEN) symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a "7" (SEVEN) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1</i>		<i>Approximate No. Of Winners Per 11,040,000 Tickets:</i>
		<i>In:</i>		
\$2	\$2	8.82		1,251,200
\$1 x 4	\$4	37.5		294,400
\$4	\$4	50		220,800
\$1 x 5	\$5	75		147,200
\$5	\$5	75		147,200
\$2 x 5	\$10	1,500		7,360
\$5 x 2	\$10	750		14,720
(\$4 x 2) + \$2	\$10	1,500		7,360
(\$2 w/ DYNAMITE) + \$4	\$10	150		73,600
\$10	\$10	750		14,720
\$2 x 10	\$20	750		14,720
\$5 x 4	\$20	750		14,720
\$10 x 2	\$20	750		14,720

Reveal a "7" (SEVEN) Symbol, Win Prize Shown To The Right Of That Symbol. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 11,040,000 Tickets:	
(\$5 w /DYNAMITE) + \$5	\$20	150	73,600
\$20	\$20	375	29,440
\$4 x 10	\$40	1,600	6,900
(\$5 w/ DYNAMITE) x 2) + \$10	\$40	960	11,500
(\$10 w/ DYNAMITE) + \$10	\$40	960	11,500
\$40	\$40	1,600	6,900
\$5 x 10	\$50	3,429	3,220
\$10 x 5	\$50	3,429	3,220
(\$5 w/ DYNAMITE) + (\$10 w/ DYNAMITE) + \$5	\$50	2,182	5,060
\$50	\$50	3,429	3,220
(\$5 x 7) + (\$10 x 2) + \$20	\$75	20,000	552
(\$10 x 7) + \$5	\$75	20,000	552
\$50 + \$20 + \$5	\$75	20,000	552
(\$5 w/ DYNAMITE) x 5	\$75	6,000	1,840
\$75	\$75	12,000	920
\$10 x 10	\$100	20,000	552
\$20 x 5	\$100	24,000	460
\$50 x 2	\$100	24,000	460
(\$10 w/ DYNAMITE) x 3) + \$10	\$100	15,000	736
(\$20 w/ DYNAMITE) + \$40	\$100	15,000	736
\$100	\$100	24,000	460
(\$40 x 5) + (\$10 x 5)	\$250	60,000	184
\$50 x 5	\$250	60,000	184
(\$40 w/ DYNAMITE) x 2) + \$10	\$250	20,000	552
\$250	\$250	60,000	184
\$50 x 10	\$500	60,000	184
\$100 x 5	\$500	60,000	184
\$500	\$500	60,000	184
\$1,000	\$1,000	40,000	276
\$17,000	\$17,000	552,000	20

Reveal a "DYNAMITE" (DYNMT) symbol, win triple the prize shown to the right of it.

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 Triple Dynamite 777 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 Triple Dynamite 777, prize money from winning Pennsylvania Triple Dynamite 777 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 Triple Dynamite 777 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 Triple Dynamite 777 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-862. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Pennsylvania \$2,000 Spin 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 \$2,000 Spin.
2. *Price:* The price of a Pennsylvania \$2,000 Spin instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania \$2,000 Spin instant lottery game ticket will contain one play area featuring a "WINNING SPIN NUMBER" area and a "YOUR SPIN NUMBERS" area. The play symbols and their captions printed in black ink and located in the "WINNING SPIN NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17

(SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions printed in red ink and located in the "WINNING SPIN NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions printed in black ink and located in the "YOUR SPIN NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions printed in red ink and located in the "YOUR SPIN NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SPIN NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100, \$200 and \$2,000. A player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 20,400,000 tickets will be printed for the Pennsylvania \$2,000 Spin instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE

HUN) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in red ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in red ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR SPIN NUMBERS" play symbols, with the symbol and caption printed in black ink, matches the "WINNING SPIN NUMBER" play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SPIN NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets upon which any one of the “YOUR SPIN NUMBERS” play symbols, with the symbol and caption printed in black ink, matches the “WINNING SPIN NUMBER” play symbol, with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appears under the matching “YOUR SPIN NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania \$2,000 Spin instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Spin Numbers Match The Winning Spin Number; Win Prize Shown Under That Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 20,400,000 Tickets</i>
FREE	FREE \$1 TICKET	9.52	2,142,000
\$1 × 2	\$2	42.86	476,000
\$2	\$2	37.5	544,000
\$1 × 3	\$3	100	204,000
\$1 + \$2	\$3	100	204,000
\$3	\$3	100	204,000
(\$2 × 2) + \$1	\$5	136.36	149,600
\$5	\$5	130.43	156,400
\$5 w/ RED	\$10	300	68,000
\$5 × 2	\$10	1,500	13,600
(\$4 × 2) + \$2	\$10	1,000	20,400
(\$2 × 3) + \$4	\$10	1,500	13,600
(\$2 × 2) + (\$3 × 2)	\$10	1,000	20,400
\$10	\$10	1,500	13,600
\$10 w/ RED	\$20	500	40,800
\$5 × 4	\$20	3,000	6,800
\$10 × 2	\$20	3,000	6,800
(\$5 × 2) + \$10	\$20	3,000	6,800
\$20	\$20	3,000	6,800
(\$5 w/ RED) + ((\$10 w/ RED) × 2)	\$50	1,500	13,600
(\$10 × 3) + \$20	\$50	6,000	3,400
(\$20 × 2) + \$10	\$50	6,000	3,400
(\$20 × 2) + (\$5 × 2)	\$50	6,000	3,400
\$50	\$50	6,000	3,400
\$50 w/ RED	\$100	8,000	2,550
\$50 × 2	\$100	24,000	850
(\$20 × 2) + \$10 + \$50	\$100	24,000	850
\$100	\$100	24,000	850
\$100 w/ RED	\$200	20,000	1,020
\$200	\$200	30,000	680
\$2,000	\$2,000	204,000	100

When the matching numbers are red, win double the prize shown under it.

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 \$2,000 Spin 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 \$2,000 Spin, prize money from winning Pennsylvania \$2,000 Spin 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 \$2,000 Spin 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 \$2,000 Spin or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 12-863. Filed for public inspection May 11, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Core Realty, Inc., 114 Chestnut Street, Philadelphia, PA 19106.

Core Realty, Inc. is seeking to lease highway right-of-way located on LR 1000, Section B6RW, at the intersection of East Laurel and North Front Street, Philadelphia

County, City of Philadelphia, 61,904 square feet of land ±, adjacent to LR 1000, Section B6RW for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, PennDot, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-864. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Neighborhood Garden Association, 100 North 20th Street, Philadelphia, PA 19103-1454.

Neighborhood Garden Association is seeking to lease highway right-of-way located on LR 67045, Section 12B, within the boundaries of Fifth Street on the east, County of Philadelphia, City of Philadelphia, 6,407.2778 square feet of land ±, adjacent to LR 67045, Section 12B RW for purposes of a community garden.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objection regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, PennDot, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Mary C. Lambright.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-865. Filed for public inspection May 11, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions to and Removal from List

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 16 and 17, 2012, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Blair	UNT to Frankstown Branch Juniata River	Frankstown Branch Juniata River	Headwaters downstream 1.24 miles to Sinkhole
Cambria	Strayer Run	Saint Clair Run	Headwaters to Mouth
Clarion	UNT to Toby Creek	Toby Creek	Headwaters to Mouth
Clearfield	Stony Run	Anderson Creek	Headwaters to Mouth
Clinton	Hoover Hollow Run	Kettle Creek Lake	Headwaters to Mouth
Cumberland	Burd Run	Middle Spring Creek	Headwaters to Mouth
Elk	Connerville Run	Clarion River	Headwaters to Mouth
Elk	Gillis Run	Clarion River	Headwaters to Mouth
Fayette	Tebolt Run	Big Sandy Creek	Headwaters to Mouth
Fayette	Mounts Creek	Youghiogheny River	Headwaters to Bridge on T819 (Eutsey Road)
Forest	Coleman Run	Clarion River	Headwaters to Mouth
Forest	Johns Run	Tionesta Lake	Headwaters to Mouth
Forest	Twomile Run	Salmon Creek	Headwaters to Mouth
Forest	UNT to Salmon Creek	Salmon Creek	Headwaters to Mouth
Jefferson	Daugherty Run	Clarion River	Headwaters to Mouth
Jefferson	Hugh Run	Mill Creek	Headwaters to Mouth
Jefferson	Leeper Run	Clarion River	Headwaters to Mouth
Jefferson	Parks Run	Mill Creek	Headwaters to Mouth
Lackawanna	Painter Creek	Panther Creek	Headwaters to Mouth
Lehigh	Rockdale Creek	Lehigh River	Headwaters to Mouth
Northampton	Bull Run	Lehigh River	Headwaters to I-78 (eastbound lane culvert)
Northumberland	Lithia Springs Creek	North Branch Susquehanna River	Headwaters to SR 0011 Bridge
Pike	UNT to Pinchot Brook (RM 0.01 Woodtown Road)	Pinchot Brook	Headwaters to Mouth
Schuylkill	Keenigs Creek	Little Schuylkill River	Headwaters to Mouth
Schuylkill	Stump Run	Little Schuylkill River	Headwaters to Mouth
Schuylkill	UNT to Little Schuylkill River (RM 12.99—Hecla West Side)	Little Schuylkill River	Headwaters to Mouth
Schuylkill	UNT to Little Schuylkill River (RM 18.24—Zehners)	Little Schuylkill River	Headwaters to Mouth
Somerset	UNT to Whites Creek (RM 7.34)	Whites Creek	Headwaters to Mouth
Venango	Porcupine Run	East Sandy Creek	Headwaters to Mouth
Venango	Shaw Run	East Sandy Creek	Headwaters to Mouth
Venango	Shull Run	Allegheny River	Headwaters to Mouth
Warren	Bimber Run	Allegheny River	Headwaters to Mouth
Warren	UNT to Tionesta Creek (Henry's Mills)	Tionesta Creek	Headwaters to Mouth
Westmoreland	Poplar Run	Baldwin Creek	Headwaters to Mouth
Westmoreland	Sugar Run	Big Spring Run	Headwaters to Mouth

In addition, the Commission will consider removal of the following stream from the list, as a recent survey documented the absence of wild trout in that water.

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Westmoreland	Bear Pond Hollow	Freeman Run	Headwaters to Mouth

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 12-866. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Proposed Changes to List of Class A Wild Trout Streams**

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission’s policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth’s naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on July 16 and 17, 2012.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Clinton	Spring Run	01	Headwaters to Mouth	57.67	7.97	2.2	2011
Clinton	West Kammerdiner Run	01	Headwaters to Mouth	48.65	—	2.1	2011
Lackawanna	Lackawanna River	07	RT 347 to Green Ridge Street	—	47.38	5.8	2010

The Commission also will consider a revision to the section limits of the Class A designation of Baldwin Run, Tioga County. On October 30, 2008, Commission staff participated in a joint survey of Baldwin Run (309A) at the request of the Department of Environmental Protection to determine wild trout population status in the lower reaches of the stream, downstream of the confluence with an unnamed tributary at RM 1.16 that drains a large wetland complex. Baldwin Run is a tributary to Marsh Creek and was initially surveyed by Commission staff in 1995. Survey results indicated the presence of a very good wild brook trout population with an estimated biomass of 40.5 kg/ha. In 1999, the Commission designated Baldwin Run from the headwaters to the mouth as a Class A Wild Trout Stream. However, subsequent evaluation of Baldwin Run indicated that the stream's character significantly changes when it flows out of the narrow mountainous valley (where the initial survey was conducted in 1995) and reaches the wide valley floor. Results of the 2008 survey indicate that the lower 1.16 miles of Baldwin Run (below the large wetland complex) harbors a warm/coolwater fish community including bluntnose minnow, brown bullhead, central stoneroller, chain pickerel, creek chub, creek chubsucker, pumpkinseed, tessellated darter and white sucker; no trout were collected. Follow up surveys on July 14, 2009, and August 18, 2010, confirmed the results of the 2008 survey, as only warm/coolwater fish species were collected and no trout were present. Therefore, the Commission will consider revising the Class A section limits of Baldwin Run from the headwaters downstream to the confluence with the unnamed tributary at RM 1.16. The Commission already has revised the section limits of its wild trout stream designation on Baldwin Run.

Persons with comments, objections or suggestions concerning the designations and redesignation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice

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

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 12-867. Filed for public inspection May 11, 2012, 9:00 a.m.]

## GOVERNOR'S ADVISORY COMMISSION ON POSTSECONDARY EDUCATION

### Meeting Scheduled

The Governor's Advisory Commission on Postsecondary Education (Commission) will be meeting Thursday, May 17, 2012. The meeting will begin at 2 p.m. at the Pennsylvania Chamber of Business and Industry, 417 Walnut Street, Harrisburg, PA 17101. Persons interested in attending are encouraged to register through the Commission's web site at [www.pahigheredcommission.com](http://www.pahigheredcommission.com) due to limited seating. Questions can be directed to Becky Myers at (717) 772-9048 or [rebmyers@pa.gov](mailto:rebmyers@pa.gov).

ROBERT WONDERLING,  
*Chairperson*

[Pa.B. Doc. No. 12-868. Filed for public inspection May 11, 2012, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-287	Pennsylvania Public Utility Commission Code of Conduct 42 Pa.B. 796 (February 11, 2012)	3/27/12	4/26/12
16A-4933	State Board of Medicine Prescribing 42 Pa.B. 1122 (March 3, 2012)	4/2/12	5/2/12



**Pennsylvania Public Utility Commission Regulation  
#57-287 (IRRC #2929)  
Code of Conduct  
April 26, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the February 11, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. Need for the regulation.**

This regulation proposes amendments to the Code of Conduct for electric distribution companies (EDC) and electric generation suppliers (EGS) providing service to Pennsylvania customers, in accordance with the Electricity Generation Customer Choice and Competition Act. See 66 Pa.C.S. §§ 2801, et. seq. The existing Code of Conduct was implemented in July of 2000.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest by considering criteria set forth in the RRA, including the need for the regulation. See 71 P. S. § 745.5b(b)(3)(iii). As explained below, we do not believe the PUC has established a compelling need for the amendments to the regulation sufficient for us to make a determination that the amendments are in the public interest.

Commentators on the proposed amendments, representing a broad range of interested parties, do not see a need for the amendments. According to the Energy Association of Pennsylvania (Energy Association):

Pennsylvania EDCs have employed considerable resources and successfully implemented the current regulations as evidenced by lack of complaints or requests for mediation filed over the last twelve years under the existing Code of Conduct. While the Association commends the periodic review of long-standing regulations, major regulatory changes are not warranted where, as here, no evidence or support has been offered to suggest that the existing rules do not serve to deter or prevent the undesired behavior. . . .

The joint comments of PPL Electric Utilities Corporation and PPL Energy Plus, LLC (PPL) note that: “the existing Code of Conduct has worked well and has aided in the successful development of Pennsylvania’s electric retail market.” Other commentators expressed similar sentiment.

In our consideration of the need for the amendments to the regulation, we have reviewed the Preamble (as contained in the Proposed Rulemaking Order for this regulation), the Regulatory Analysis Form (RAF) and the proposed regulation. The PUC itself acknowledges that most parties found the existing Code of Conduct effective. In this proposed rulemaking, there is no information in the PUC’s Preamble that demonstrates a compelling public need. For example, the PUC states the regulation provides a safeguard against cross-subsidization between an EDC and its affiliated EGS. The existing Code of Conduct has been in place for more than ten years. However, the PUC did not provide any specific findings, such as complaints filed with the PUC or an investigation, to substantiate that cross-subsidization is a significant problem.

Therefore, we recommend that in the final-form regulation submittal the PUC specifically explain the need for this regulation, and in particular describe any instances of misconduct or other circumstances that warrant changes to the existing regulation.

**2. Fiscal impact of the regulation.**

IRRC is also required to consider economic or fiscal impacts of the regulation in our determination of whether the regulation is in the public interest. See 71 P. S. § 745.5b(b)(1). Questions 14 through 18 of the RAF are intended to provide a cost and impact analysis of the regulation. In response to Question 17, the PUC did not identify savings or costs to the regulated community associated with implementation of this regulation. Question 18 of the RAF asks the PUC to explain how the benefits of the regulation outweigh any cost and adverse effects.

The PUC responded to this question with the following explanation:

While the costs associated with the regulation are not fully known at the present time, there will be significant economic benefits to Pennsylvania electricity consumers resulting from the elimination of cross-subsidization of service between electric distribution companies and their affiliated electric generation suppliers. . . .

Several commentators refute the PUC’s evaluation of costs. They demonstrate that implementation of this regulation will impose significant costs on the regulated community, thereby impacting how much consumers will actually pay for their electric services. The joint comments of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (FirstEnergy) estimate increased operating expenses of \$26 to \$43 million per year, as well as a capital investment exceeding \$100 million due to implementation of this regulation. Commentators assert that significant costs will be incurred without any identifiable benefit to consumers.

Also relating to fiscal impact, we question who will ultimately bear the costs of the amendments to the Code of Conduct. Costs incurred by an EDC are likely to be recovered through PUC-approved rates charged to the EDC’s captive customers because the costs were incurred to comply with the PUC’s regulations. On the other hand, similar costs incurred by a competitive EGS would not be recovered with the same degree of certainty and would presumably be recovered either through the EGS’s rates, thereby harming its competitiveness in the marketplace, or by absorbing the costs, thereby lowering the EGS’s profits. Consequently, a logical business decision for anyone with common interests in both an EDC and an EGS may be to incur costs through changes to the EDC rather than the EGS. For example, to comply with the PUC’s proposed regulation, an entity may change the EDC’s logo and maintain the EGS’s logo. From a business perspective, this entity could recover the costs through the EDC while simultaneously maintaining the EGS’s profits and competitive place in the marketplace. In this scenario, the costs imposed by the amendments to the Code of Conduct could be imposed almost exclusively on the captive customers of the EDC through rates, and possibly rate increases, approved by the PUC.

Upon review of the information provided by the PUC in the proposed regulation submitted, we do not believe sufficient information was provided to evaluate the economic or fiscal impact of this regulation. We recommend

that the PUC carefully review costs with the regulated community. In addition, the PUC needs to explain who will bear the costs imposed by the amendments to the regulation. In the final-form regulation submittal, the PUC needs to provide a detailed economic and fiscal impact analysis so that we can determine whether the regulation is in the public interest.

### 3. Determination of whether the regulation is in the public interest.

Sections of the RAF and Preamble submitted with this rulemaking lack the necessary information to allow IRRC to make a determination that the regulation is in the public interest. For example, the statutory authority references contained in the RAF are inconsistent with those contained in the Preamble. The RAF (#8) cites the following from the Public Utility Code as the statutory authority for this regulation: 66 Pa.C.S. §§ 501(b), 504, 505, 506, 508, 701, 1301, 1304, 1502, 1505, 1701—1705, 2101—2107, 2804, 2807(d), 2809, and 2811(a). Not only is it unclear how several of these citations are directly applicable to the proposed rulemaking, but the Preamble cites only §§ 501, 2804(2) and 2807(e).

Another example pertains to the description of how the regulation compares with those of other states. (RAF #22). The RAF highlights Texas, Illinois, New Jersey, Maryland, Ohio, and Massachusetts as states having similar Codes of Conduct as the proposed regulation. Commentators, however, argue that other states do not operate under comparable requirements.

In summary, the information contained in the RAF and Preamble is not sufficient to allow us to determine if the regulation is in the public interest. We recommend that the PUC revise both the RAF and the Preamble to ensure that all of the information provided in the final-form regulatory package is accurate, complete and consistent between the two documents. The Preamble should also provide a more detailed description of the basis for the amendments proposed in each section of the regulation.

### 4. Recommendation for an Advanced Notice of Final-Form Rulemaking.

As noted above, in 2010, the PUC issued an Advanced Notice of Proposed Rulemaking Order, and the regulated community had the opportunity to review and comment on the regulation. Comments were provided by several parties. The PUC states that these comments, as well as additional safeguards identified by the PUC, were taken into consideration in developing and drafting the proposed regulation. (RAF #19). At both the proposed and advanced notice stages, however, the regulated community indicated that modifications are not necessary, as the existing Code of Conduct already affords the appropriate protections against misconduct between the EDC and its affiliated EGS.

We commend the PUC for providing the regulated community with an advanced opportunity to comment on the proposed regulation. We strongly encourage the PUC to continue this dialogue with stakeholders as it develops the final-form regulation. Additionally, we recommend that the PUC publish an Advanced Notice of Final Rulemaking to allow the opportunity to review the costs and resolve any remaining issues prior to submittal of a final-form regulation.

### Section 54.122 (3) Prohibited transactions and activities.

#### 5. Subsection 54.122 (3)(ii)—EDC sale of assets—Statutory authority; Adverse effects on prices and competition; Reasonableness.

Subsection (3)(ii) states that: “An electric distribution company may not sell, release or otherwise transfer to an affiliate electric generation supplier, at less than market value, assets, services or commodities that have been included in regulated rates.” Both PPL and the Energy Association assert that while the Public Utility Code allows the PUC to regulate transfers and sales between these parties, the Public Utility Code does not permit the PUC to mandate the price. See 66 Pa.C.S. § 2102. The final-form regulation should explain the PUC’s statutory authority for regulating the fair market value of a transferred or sold electric asset, service or commodity.

The joint comment of UGI Corporation, UGI Utilities, Inc. and UGI Energy Services, Inc. contends that implementation of this provision would result in out-of-state EGS marketers gaining a competitive advantage over an EGS affiliated with a Pennsylvania EDC, because those located out-of-state are unaffected by the regulation and are therefore still able to acquire assets at below market value. This would result in a significant barrier for EGS affiliates to compete in the interstate market. The PUC should explain how Subsection (3)(ii) will not place Pennsylvania EGS affiliates at a competitive disadvantage over out-of-state affiliates.

#### 6. Subsections 54.122 (3)(iv) and (v)—Conflicting language—Possible conflict with regulation.

Both of these subsections pertain to whether an EDC and its affiliated EGS may advertise a shared name. It appears that the name sharing requirements in each subsection conflict.

Subsection (3)(iv) states that: “An electric generation supplier may not use a word, term, name, symbol, device, registered or unregistered mark or a combination thereof (collectively and singularly referred to as “EDC identifier”) that identifies or is owned by an electric distribution company, in connection with the sale, offering for sale, distribution or advertising of goods or services, *unless the electric generation supplier includes a disclaimer and enters into an appropriate licensing agreement specifying the rights.*” (Emphasis added.)

However, Subsection (3)(v) states that: “An electric generation supplier *may not* have the same or substantially similar name or fictitious name as the electric distribution company or its corporate parent . . .” (Emphasis added.)

We recommend that the PUC reconcile these subsections in the final-form regulation.

#### 7. Subsection 54.122 (3)—Name prohibition—Statutory authority; Fiscal impact; Consistency with federal law; Need; Implementation procedures.

Subsection (3)(v) prohibits an EGS from having the same or “substantially similar” name as the EDC or its corporate parent.

##### a. Statutory authority

Commentators argue that the PUC does not have the authority to restrict the naming rights of an EDC or its corporate parent. Several commentators state that the Public Utility Code limits the PUC’s jurisdiction to regulating rates, facilities and services. See 66 Pa.C.S. §§ 501 and 1501. Commentators assert that the Legislature did

not intend for the PUC's authority to extend beyond these functions, as the Public Utility Code does not explicitly grant authority pertaining to name prohibition. What is the PUC's statutory authority for prohibiting an EGS from using the same name as the EDC or its corporate parent? The final-form regulation should clarify this authority.

*b. Need and Fiscal impact*

The majority of the commentators oppose Subsection (3)(v) for several reasons. First, according to PPL, there is no evidence that "consumers are being harmed or that competitors are being prevented from entering the market" as a result of an EGS sharing the name of its EDC or corporate parent.

Second, commentators argue that this provision will severely hinder affiliated EGSs from continuing to operate in Pennsylvania. They contend that the name that an existing EGS affiliate shares with its EDC or corporate parent has been well established through the branding process, and to require the EGS to change its name would result in a complete overhaul of that company's brand. Commentators argue that this overhaul would negate significant investments made since 2000 in developing its brand and consequently result in increased costs for the EGS as it re-invents its brand name. In addition, these costs also will affect the relationship between the Pennsylvania affiliate EGS and the corporate parent. We are particularly concerned by comments that the corporate parent, who is able to share its name in other jurisdictions, may simply require its affiliates to leave Pennsylvania altogether in order to avoid the added expense of a name change.

Third, commentators argue that customer confusion would result during the transition process. According to FirstEnergy Solutions Corp.: "the requirement that an EGS conceal its affiliation with an EDC runs counter to the obligation to provide customers with adequate and accurate information to enable them to make informed choices regarding the purchase of electricity service." Several EGSs also emphasize that the name itself is not the key, but more important are the disclosures that should be made to the consumer about the relationship between the EDC and the EGS affiliate. With this information, the consumer would be able to understand which party is providing what service, regardless of whether they share a name.

Finally, commentators contend that no state has this name sharing prohibition. According to the Preamble, use of this restriction "varies" in other jurisdictions. However, commentators point out that no state mentioned by the PUC in the RAF prohibits name sharing between the EGS and the EDC or corporate parent.

We believe commentators raise valid concerns relating to the name sharing prohibition. In contrast, the PUC has not demonstrated a compelling public need for imposing these requirements. Therefore, the PUC should explain not only the need for this subsection, but also how the costs imposed are warranted.

*c. Conflict with federal law*

Commentators assert that state regulation of trademarks is a violation of existing federal law. According to commentators, the Lanham Act establishes the regulation of trade names and trademarks as an area of exclusive federal jurisdiction. See 15 USC §§ 1051, et seq. They further assert that to prohibit an affiliated EGS from name sharing with an EDC will result in the EGS changing federally trademarked names in order to do

business in Pennsylvania. We will review the PUC's response to these comments as part of our determination of whether the regulation is in the public interest.

*d. 6-month timeframe*

According to Subsection (3)(v), an EGS that shares the same or substantially similar name as the EDC or its corporate parent must change its name within 6-months after the effective date of the rulemaking. Commentators have established that to change a name would require companies to create an entirely new brand, which would be a very time-consuming process. We recommend that the PUC review the branding processes detailed in comments, and provide an explanation of how an EGS can reasonably comply with the timeframe specified in the final-form regulation.

**8. Subsection 54.122 (3)(vii)—Joint Marketing, Sales and Promotional Activities.—Clarity.**

This subsection states that an EDC and its affiliated EGS may not engage in "joint marketing, sales or promotional activities" unless a similar opportunity is "offered to electric generation suppliers in the same manner under similar terms and conditions." A commentator questions whether these activities would extend to providing information beyond that related to the affiliated EGS's product or service, for example to educational materials. To improve clarity, we recommend that the final-form regulation specify what encompasses "joint marketing, sales or promotional activities."

**9. Subsection 54.122 (3)(ix)—Prohibition of sharing office space.—Statutory authority; Fiscal impact; Consistency with federal law; Need; Reasonableness.**

This subsection prohibits an EDC and its affiliated EGS from sharing office space and requires that they must be "physically separated by occupying different buildings."

*a. Statutory authority*

Commentators argue that there is no provision in the Public Utility Code that would allow the PUC to force this type of structural separation. They cite Section 2804(5) of the Public Utility Code, which states that: "the commission may permit, *but shall not require*, an electric utility to divest itself of facilities or to reorganize its corporate structure." (Emphasis added.) Commentators suggest that their current method for maintaining operations separate from their affiliated EGS is through offices on separate floors in the same building. According to FirstEnergy, complying with this provision would: "impose a wall of separation between EDCs and their affiliated EGSs so pervasive that it would be the functional equivalent of a forced reorganization or divestiture, which the Public Utility Code does not permit." The PUC should explain how the occupation of different buildings by an EDC and its affiliated EGS is consistent with the Public Utility Code.

*b. Need and Reasonableness*

According to the Preamble, occupation of different buildings is a common limitation imposed on EDCs and their affiliated EGSs in other jurisdictions. However, commentators argue that while most states prohibit shared office space, the physical separation is imposed by placing the EDC and its affiliated EGS on different floors, not in different buildings. For example, a commentator points out that Texas law permits the EDC and its affiliated EGS to operate in the same building, as long as their offices are on separate floors or have separate

access. See 16 Texas Admin. Code § 25.272 (d)(5). Additionally, the PUC has not provided specific examples of abuses or complaints which would warrant a requirement for occupying different buildings. The PUC should delete this requirement or explain why it is needed and reasonable.

*c. Consistency with federal law*

Additionally, requiring the EDC and its affiliated EGS to occupy different buildings may be inconsistent with federal regulations. Commentators state that, according to the Federal Energy Regulatory Commission's (FERC) Standards of Conduct and Affiliate Rules: "to the maximum extent practical, the employees of a market-regulated power sales affiliate must operate 'separately' from the employees of any affiliated franchised public utility with captive customers." See 18 C.F.R. § 35.39(c)(2)(i). Commentators further assert that while FERC's rule requires that employees must operate separately, it does not mandate different buildings. Therefore, the PUC should explain why it is in the public interest to require Pennsylvania's EDC and its affiliated EGS to occupy different buildings, which is more stringent than the employee separation requirements imposed by FERC.

*d. Fiscal impact*

According to the RAF (#10), the PUC asserts that: "Most electricity consumers in the Commonwealth are likely to benefit from this regulation." However, commentators indicate that moving entire organizations to different facilities will be a costly endeavor for utilities, ultimately resulting in increased costs of services to consumers. The PUC needs to evaluate the costs of this requirement and explain how the benefits of the requirement outweigh the costs.

**Section 54.122 (4) Accounting and training requirements.**

**10. Subsection 54.122 (4)(ii)—A log of business transactions between the EDC and its EGS affiliate.—Clarity.**

Subsection (4)(ii) requires an EDC with an EGS affiliate to document their business relationship through a cost allocation manual. According to Subsection (4)(ii)(A), this manual must include a "log of business transactions" between the EDC and the EGS, but the regulation does not detail specifically what types of business transactions should be included. We recommend that the final-form regulation specify what "business transactions" must be documented.

**11. Subsection 54.122 (4)(iii)—Prohibition on sharing employees or services—Statutory authority; Fiscal impact; Consistency with federal law; Reasonableness; Clarity.**

Subsection (4)(iii) prohibits an EDC and its affiliated EGS or transmission supplier from sharing employees or services, except corporate support services, emergency support services, and tariff services. The major area of concern for commentators is the exceptions included in Subsection (4)(iii)(A) as to what may constitute "corporate support services." According to this subsection, "corporate support services" does not include services such as: "information systems . . . strategic management and planning . . . legal services . . . lobbying . . ."

*a. Statutory authority*

Commentators argue that there is no provision in the Public Utility Code that would allow the PUC to prohibit an EDC and its affiliated EGS from sharing these

excluded services. As noted above, Section 2804(5) of the Public Utility Code states that "the commission may permit, *but shall not require*, an electric utility to divest itself of facilities or to reorganize its corporate structure." (Emphasis added.)

Many EDCs represent branches of larger parent companies, with service provided in many states. According to commentators, while an EDC and its affiliate EGS may provide services specifically to Pennsylvania customers, certain internal functions may be provided by the EDC or the parent company, for example legal or Information Technology assistance. Subsection (4)(iii)(A) would bar the EGS from continuing to receive these services from both the EDC and the parent company. Commentators further argue that not only would this separation apply to specific services, but it may also affect the relationship between the EDC, the EGS and the parent company's board of directors, since Subsection (4)(iii)(A) specifically excludes "strategic management and planning" as a corporate support service.

We also question the PUC's authority to restrict the sharing of legal services between an EDC and its affiliate, since the Pennsylvania Supreme Court has the exclusive authority to regulate the practice of law in the Commonwealth. Similar concerns relate to the prohibition on the sharing of lobbying services.

Commentators conclude that these consequences run contrary to prohibitions already contained in Section 2804(5), as they would result in the functional equivalent of a forced reorganization or divestiture of an electric utility. Therefore, the PUC should explain how the exclusions contained in Subsection (4)(iii)(A) are consistent with the Public Utility Code.

*b. Reasonableness and Clarity*

The regulation does not clearly specify what constitutes "corporate support services." Subsection (4)(iii)(A) only provides what services are *not* considered corporate support, and does not establish what services are permitted to be shared between the parties. Furthermore, commentators question why the PUC prohibited the sharing of services such as legal, technical and strategic management and planning since this prohibition could have an adverse economic and operational impact on their companies. The final-form regulation should contain a definition of "corporate support services" that specifically identifies the services permitted to be shared by the EDC and its EGS affiliate. The PUC also should further explain why the services in Subsection (4)(iii)(A) are not corporate support services.

*c. Consistency with federal law*

Commentators note that the FERC Standards of Conduct and Affiliate Rules also contain requirements for employee sharing. According to commentators, FERC rules permit the sharing of corporate support employees and boards of directors as long as these employees do not participate in certain operational functions, such as marketing. See 18 C.F.R. § 35.39 (c)(2)(ii). The final-form regulation should explain how imposing more stringent requirements in Subsection (4)(iii)(A) than those imposed by FERC is in the public interest.

*d. Fiscal impact*

Commentators state that complying with Subsection (4)(iii)(A) will increase costs. This provision would prohibit the current efficiency of sharing costs of corporate support services. Commentators argue that not only will costs be imposed on the EGS, but also on the EDC and

the parent company, as a result of the process for establishing this functional separation with the EGS affiliate. Has the PUC considered these costs? The Preamble and the RAF to final-form regulation should include a detailed explanation of the costs imposed by Subsection (4)(iii)(A) on the regulated community and how the benefits of the exclusions in Subsection (4)(iii)(A) outweigh the costs.

**Section 54.122 (5) Dispute resolution procedures.**

**12. Subsection 54.122 (5)(ii)—Notice of the dispute—Implementation procedures; Clarity.**

This subsection requires EDCs to adopt dispute resolution procedures to address alleged violations of the regulation.

Subsection (5)(ii) requires designated representatives of the parties to attempt to resolve the dispute informally within five days of receipt of notice of the dispute. We question whether five days provides enough time, and ask the PUC to explain how it determined five days was an appropriate timeframe for resolution.

Additionally, several commentators suggest that the PUC offer a hotline for confidential reporting of conduct violations. Has the PUC considered this option?

**State Board of Medicine Regulation #16A-4933  
(IRRC #2931)**

**Prescribing**

**May 2, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the March 3, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. Economic impact of the regulation.**

The Board proposes to add three drugs to the more stringent evaluation and recordkeeping requirements of Section 16.92. The Board states in the Preamble and in responses in the Regulatory Analysis Form (RAF) that compliance with the proposed rulemaking will not result in additional costs and will not require any additional recordkeeping. However, it appears that requiring more stringent evaluations and recordkeeping would likely impact the regulated community in one or both of these areas. Therefore, the Board should either amend the information provided on the RAF regarding economic impact (RAF #14) and recordkeeping (RAF #24), or further explain why the Board does not anticipate either savings or costs, or additional paperwork, associated with compliance with the rulemaking.

**2. Section 16.92. Prescribing, administering and dispensing.—Protection of the public health, safety and welfare; Clarity.**

*“Or cause to be carried out”*

Subsection (b) requires licensed health care providers to carry out, “or cause to be carried out,” the minimum standards specified in the regulation. In the Preamble, the Board states that the proposed rulemaking is necessary to protect the public from unscrupulous practitioners who inappropriately prescribe or overprescribe drugs of abuse that are not controlled substances. The Board also states that the problems caused by inappropriate prescribing and overprescribing have been compounded in

recent years by rogue online pharmacies. The phrase “or cause to be carried out” might be exploited by unscrupulous practitioners to circumvent the intent of the proposed rulemaking. For these reasons, the Board should clarify the phrase “or cause to be carried out” in Subsection (b).

*Initial medical history and physical examination*

Paragraph (b)(1) requires an initial medical history and physical examination. However, the medical records required by Paragraph (b)(4) do not require documentation of the initial medical history and physical examination. We suggest adding this documentation to the medical records required by Paragraph (b)(4).

*Reevaluations*

Paragraph (b)(2) requires periodic reevaluations of the patient’s condition and efficacy of the drug therapy. We suggest adding documentation of reevaluations to the medical records required by Paragraph (b)(4).

*Patient counseling*

Under Paragraph (b)(3), we question the exemption of a patient in an inpatient care setting from counseling regarding possible side effects. A patient in a hospital, for example, may notice the occurrence of side effects well before a health care professional might observe them. We suggest adding “possible side effects” to the counseling requirements in the first sentence of Paragraph (b)(3) and removing “possible side effects” from the exemption in the second sentence of Paragraph (b)(3) so that patient counseling on possible side effects will occur regardless of the care setting.

*Medical records*

Subparagraph (b)(4)(ii) lists the information, such as the name and strength of a drug, that must be recorded in a patient’s medical record *after* the initial occasion when a drug is prescribed, administered or dispensed. The Board should consider requiring the same information on the *initial* occasion under Subparagraph (b)(4)(i).

**3. Miscellaneous clarity.**

- The Board should consider including a reference to the appropriate section of the Medical Practice Act regarding penalties for non-compliance with this proposed rulemaking.

- For consistency, the Board should use the term “licensed health care provider” throughout the proposed regulation. Specifically, “licensed” should be added to “health care provider” in Clause (b)(4)(i)(A) and “practitioner” should be replaced with “licensed health care provider” in Paragraph (b)(8).

- We recognize the phrase “written prescription” is used in existing regulation in Paragraph (a)(5), which is repeated in the new language of Paragraph (b)(5). The requirement for “written” prescriptions may be outdated because many prescriptions are relayed to pharmacies electronically. Would a prescription relayed electronically to a pharmacist meet the requirement in Paragraph (b)(5) that an emergency oral prescription “shall be covered by a written prescription delivered to the pharmacist within 72 hours”? If so, the final-form regulation should include this clarification.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-869. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the 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>
57-273	Pennsylvania Public Utility Commission Default Service Regulations	5/1/12	5/17/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-870. Filed for public inspection May 11, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of East Falls Gulf, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2010-0071(F); Doc. No. UT12-04-013

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant provisions of law.

A hearing will occur on June 5, 2012, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before May 22, 2012. Answers to petitions to intervene, if any, shall be filed on or before May 29, 2012.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-871. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Geisinger Quality Options, Inc.; Individual PPO Rate Filing

Geisinger Quality Options, Inc. requests approval to increase the Individual PPO Plan rates. The average requested rate increase is 7.7% for medical and 4.9% for prescription drugs. The proposed rate increase would affect approximately 6,500 subscribers and would produce additional revenue of about \$1,192,000 annually. The requested effective date of the change is August 1, 2012.

Unless formal administrative action is taken prior to July 26, 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 "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-872. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Medically Underwritten CompleteCare Program (Western Region); Rate Filing

By filing No. 1A-CCP-12-HBCBS, Highmark, Inc., d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its medically underwritten CompleteCare Program. The average requested rate increase is 9.9%. The proposed rate increase would affect approximately 12,000 contract holders and would produce additional revenue of about \$5.3 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 26, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regu-

lation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-873. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Highmark Blue Shield; Medically Underwritten Direct Pay PPO High Deductible Health Plans, Medically Underwritten Direct Pay Non-Qualified HDHP and Simply Blue Medically Underwritten Direct Pay PPO (Central Region); Rate Filing**

By filing No. 1A-HDHP-NQHDHP-SB-12-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to adjust rates for its Medically Underwritten Direct Pay PPO High Deductible Health Plans, Medically Underwritten Direct Pay Non-Qualified HDHP and Simply Blue Medically Underwritten Direct Pay PPO. The average requested rate increase is 4.6%. The proposed rate increase would affect approximately 13,100 contract holders and would produce additional revenue of about \$2.1 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 26, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-874. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Highmark Blue Shield; Medically Underwritten Direct Pay PPO Program (Central Region); Rate Filing**

By filing No. 2A-BSMUPPO-12-HBS, Highmark, Inc., d/b/a Highmark Blue Shield, requests approval to adjust rates for its medically underwritten Direct Pay PPO Plan. The average requested rate increase is 9.9%. The proposed rate increase would affect approximately 5,000 contract holders and would produce additional revenue of about \$2.1 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 26, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-875. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Highmark, Inc., Blue Cross Blue Shield; Medically Underwritten Direct Pay PPO Plans (High Deductible Health, Non-Qualified High Deductible and Simply Blue) (Western Region); Rate Filing**

On April 25, 2012, Highmark, Inc., Blue Cross Blue Shield, submitted a rate filing to increase the premium rates for its Medically Underwritten Direct Pay PPO Plan High Deductible Health Plans, Medically Underwritten Direct Pay Non-Qualified High Deductible Health Plans and Simply Blue Medically Underwritten Direct Pay PPO Plans in the Western Region. This filing proposes an average rate increase of 9.9%. Benefit changes are also proposed. The value of the benefit changes is -1.17%.

This filing will affect approximately 24,500 contract holders and produce additional premium income of about \$6.4 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 25, 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-876. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Highmark, Inc., Blue Cross Blue Shield; Medically Underwritten Direct Pay PPO (Western Region); Rate Filing

On April 25, 2012, Highmark, Inc., Blue Cross Blue Shield, submitted a rate filing to increase the premium rates for its Individual Medically Underwritten Direct Pay PPO Plan for the Western Region. The Plan proposes an average rate increase of 7.5% or \$21.72 per contract per month. Benefit changes are also proposed. The value of the benefit changes is -3.63%.

This filing will affect approximately 16,100 contract holders and produce additional premium income of about \$4.2 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 25, 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-877. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

##### Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

##### Aviation

- Fixed Base Operations
- Bridge and Tunnel Contractors (liability only)
- Chemical Spray and/or Drift

- Crane and Rigging Contractors (liability and physical damage only)
- Crop Dusters (aircraft liability and aircraft hull coverage only)
- Day Care Centers, including Sexual Abuse Coverage
- Demolition Contractors Liability
- Firework Sales/Manufacturing
- Flood Insurance not provided under Federal Flood Insurance
- Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
- Guides and Outfitters (liability only)
- Hazardous Waste Haulers (excess auto liability and auto physical damage only)
- Hazardous Waste Storage and Disposal (liability only)
- Hunting Clubs
- Kidnapping, Ransom and Extortion Insurance
- Liquor Liability (monoline)
- Medical Malpractice Liability with or without related General Liability Coverages
- Miscellaneous Errors and Omissions or Professional Liability except architects and engineers, medical malpractice, lawyers, personnel agencies, travel agents, real estate brokers and insurance agents and brokers
- Nursing Home Liability with or without other Affiliated Elder Care Services
- Paint and Coating Manufacturers—Liability
- Pest Control (Exterminators) Liability
- Pollution Liability and/or Environmental Impairment Coverage
- Products Liability (monoline) for the Manufacturing of:
  - Aircraft and Component Parts
  - Automotive and Component Parts
  - Farm and Industrial Equipment
  - Firearms
  - Medical Equipment
  - Petrochemicals
  - Pharmaceuticals
- Products Recall (monoline) for the Manufacturing of:
  - Aircraft and Component Parts
  - Automotive and Component Parts
  - Farm and Industrial Equipment
  - Firearms
  - Medical Equipment
  - Petrochemicals
  - Pharmaceuticals
- Railroad, including Consultants, Contractors and Suppliers
- Real-Estate Environmental Impairment Coverage
- Security/Detective/Patrol Agencies
- Tattoo Parlors
- Taxicab Liability
- Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 41 Pa.B. 2400 (May 7, 2011), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, [cbybee@pa.gov](mailto:cbybee@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-878. Filed for public inspection May 11, 2012, 9:00 a.m.]



### Keystone Health Plan West; Direct Pay HMO; Rate Filing

On April 25, 2012, Keystone Health Plan West submitted a rate filing to increase the premium rates for its Individual Medically Underwritten and Guaranteed Issue Direct Pay HMO products. The Plan proposes an average rate increase of 9.9% or \$47.61 per contract per month.

This filing will affect approximately 4,200 contract holders and produce additional premium income of about \$2.4 million annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to July 25, 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-879. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting; Rate Filing

On April 30, 2012, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association a filing to increase rates overall by 6.9% for institutional and noninstitutional health care providers. This overall figure represents an average; the effect of this filing on the rates for individual insureds may vary. The filing includes the following revisions:

- Changes to 20 class relativities.
- Changes to four territory relativities.
- The elimination of one specialty.
- Movement of eight specialties from one class to another.
- Movement of five counties from one territory to another.

Unless formal administrative action is taken prior to June 29, 2012, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2013, by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). 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, 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. 12-880. Filed for public inspection May 11, 2012, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board lease will expire:

Luzerne County, Wine & Spirits Store #4024 (Relocation), Pittston, PA

*Lease expiration date:* January 31, 2014

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,500 net useable square feet of new or existing retail commercial space. Location must be within a 0.50-mile radius of the intersection of Hill and Ziegler Streets, Pittston Township, PA.

*Proposals due:* June 1, 2012, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Region #2, Northwest Office Building, Room 314, 910 Capital Street, Harrisburg, PA 17124-0001  
**Contact:** Ronald Hancher, Jr., (717) 787-9540, [rhancher@pa.gov](mailto:rhancher@pa.gov)

JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 12-881. Filed for public inspection May 11, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Indirect Minority Transfer of Ownership

**A-2012-2301648, A-2012-2301650, A-2012-2301651. First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc.** Joint application of First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc. for approval of the indirect minority transfer of ownership of First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc. to FirstEnergy Corporation.

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 May 29, 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:* First Communications, LLC, Globalcom, Inc. and Xtension Services, Inc.

*Through and By Counsel:* Daniel P. Delaney, Esquire, K & L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-882. Filed for public inspection May 11, 2012, 9:00 a.m.]

**Petition of the North American Numbering Plan Administrator on Behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 Numbering Plan Area**

Public Meeting held  
April 26, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson, statement follows; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Petition of the North American Numbering Plan Administrator on behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 NPA; Doc. No. P-2009-2112925*

**Order**

*By the Commission:*

In this order, the Commission revisits the issue of the implementation of area code relief in the 814 Numbering Plan Area (NPA) or area code and the numerous petitions for reconsideration filed at the above-captioned docket. The most recent numbering data concerning the 814 NPA demonstrates that this area code has experienced a significant decrease in the demand of numbering resources since the filing of the area code relief petition. The latest projected forecast for the exhaustion of the 814 area code, which was released in March 2012, is now the second quarter of 2018, which is more than five years away. Accordingly, the Commission orders the rescission of the implementation of the geographic split for the 814 NPA and dismisses the 814 area code relief petition filed on June 9, 2009.

**Background**

Much of the information leading to the current area code relief process for the 814 NPA can be found in prior Commission orders. Nevertheless, because of the action we are taking today in regards to the 814 NPA, we will reiterate the pertinent portions of the past and present area code relief efforts for the 814 NPA.

**History of the 814 NPA**

The 814 area code is one of Pennsylvania's original four area codes. It was established in 1947. The geographic area covered by the 814 area code generally comprises the central portion of the state. The 814 NPA extends in a northerly direction to the borders of the state of New York, in a westerly direction towards the borders of the state of Ohio, and in a southerly direction to the borders of the state of Maryland. The 814 NPA is divided into 178 rate centers which encompass twenty-six counties and includes such cities as State College, Altoona, Johnstown, Somerset and Erie.

**A. Initial Area Code Relief Efforts for 814 NPA**

Relief planning for the 814 area code initially began in 2002 when the 2001 Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis June 1, 2001 Update (2001 NRUF Report)<sup>1</sup> indicated that the 814 NPA would exhaust during the first quarter of 2005. Consequently, the telecommunications industry met on March 21, 2002, in Pittsburgh, Pennsylvania, to discuss the five relief alternatives<sup>2</sup> that were set forth in the Initial Planning Document (IPD) that NANPA had distributed to them pursuant to the NPA Relief Planning Guidelines.

At this March 21st meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend an all-services distributed overlay plan, as the preferred method of relief for the 814 NPA. The all-services distributed overlay, would superimpose a new NPA over the same geographic area covered by the existing 814 NPA. All existing customers would retain the 814 area code and would not have to change their telephone numbers. Consistent with Federal Communications Commission (FCC) regulations, the relief plan would require 10-digit dialing for all local calls within and between the 814 NPA and the new NPA. The Industry further recommended that calls between NPAs be dialed using 1+10-digits and 0+10 dialing for operator assisted calls. Lastly, Industry participants reached consensus to recommend to the Commission a thirteen-month schedule for implementation of the overlay.

**B. Impact of Number Conservation Measures on the Initial Area Code Relief Process in the 814 NPA**

Due to the implementation of the number conservation measure 1,000-block (1K) number pooling<sup>3</sup> in the 814 area code, the 814 area code experienced an unprecedented, efficient use of its numbering resources, which, in turn, lengthened the life expectancy of the 814 area code. The Industry acknowledged the disruption to customers caused by changes in their area code, especially when implementing such area code relief is no longer necessary. Consequently, the Industry decided to delay filing the petition for relief until such time that future NRUF reports indicated a more immediate need.

**C. Re-initiation of the Area Code Relief Process in the 814 NPA**

Subsequently, the April 2009 NRUF Report indicated that the 814 NPA was projected to exhaust all of its available NXX codes during the third quarter of 2012. After the release of the April 2009 NRUF Report, the Industry met via conference call to re-initiate the 814 area code relief process and decided to file an updated petition for relief with the Commission recommending the same relief as before, an all-services distributed overlay. That petition was filed with the Commission on June 9, 2009. The FCC's regulations<sup>4</sup> provide for certain options when an area code is determined to exhaust or run out of

<sup>1</sup>Federal rules that went into effect on July 17, 2000, require all carriers to report to the NANPA their historical and forecast utilization data. 47 C.F.R. § 52.15(f). These reports are made semi-annually and are referred to as the "NRUF Reports." Using this data, along with the rate of assignment of NXX codes in the NPA, the NANPA predicts the exhaust date for all NPAs in its NPA Exhaust Analysis. These reports can be found at [www.nanpa.com](http://www.nanpa.com).

<sup>2</sup>The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of a total of five relief alternatives consisting of three two-way geographic split alternatives, referred to in the IPD as Alternatives #1, #2 and #5, an all-services distributed overlay relief alternative, referred to as Alternative #3 and a technology specific overlay, referred to as Alternative #4.

<sup>3</sup>Thousand-block number pooling is the process by which a 10,000 block of numbers is separated into ten sequential blocks of 1,000 numbers and allocated separately to providers within a rate center.

<sup>4</sup>See 47 C.F.R. § 52.19.

NXX codes.<sup>5</sup> The June 2009 Petition included five options for area code relief but only two of those alternatives were in accordance with industry guidelines.<sup>6</sup> The FCC's regulations direct that the states are to provide timely area code relief by one of several options but the most common and workable methods are geographic splits and overlays.

#### D. Implementation of Geographic Split of the 814 NPA

By Order entered July 29, 2009, the Commission denied the Industry's recommendation and requested written comments from interested parties on the five relief alternatives that had initially been presented by Neustar to the telecommunications industry at the March 21, 2002 meeting. Thereafter, by an Order entered January 28, 2010, the Commission scheduled five public input hearings in various cities located throughout the 814 NPA to receive comments and discuss the relief alternatives.<sup>7</sup>

In the meantime, the October 2010 NRUF Report indicated that the 814 NPA was now projected to exhaust its remaining supply of telephone numbers by the first quarter of 2013. The Commission believed that this change in the projected forecast date for the 814 NPA was due in part to our efforts to implement mandatory 1K number pooling statewide.<sup>8</sup> Nonetheless, in accordance with the FCC's directives and industry guidelines, we determined we must continue with this instant area code relief process.

Consequently, by Order entered December 17, 2010, at the above-captioned docket, the Commission, pursuant to the authority<sup>9</sup> delegated to it by the FCC, determined that area code relief was still necessary for the 814 NPA. Accordingly, the Commission chose one of the two workable solutions presented to it by Neustar and the telecommunications industry in its June 2009 Petition—a geographic split.<sup>10</sup>

Additionally, the Commission directed that all network preparation for the implementation of the geographic split of the 814 area code be completed no later than February 1, 2012, at 12:01a.m (EST). The Commission had determined this timeframe was sufficient for telecommunications carriers and alarm companies to prepare their individual networks and systems in preparation of the new area code. Additionally, when introducing a new area code, there is an adjustment period commonly known as a permissive dialing period. Therefore, the Commission further directed that the permissive dialing period would not commence before February 1, 2012, which is the activation date of the new area code.

#### E. Petitions of Reconsideration Against the Decision to Implement a Geographic Split of the 814 NPA

In response to its December 17th Order, the Commission received over forty petitions for reconsideration from residents and businesses located within the 814 area

code.<sup>11</sup> Because of the level of concern articulated in those petitions, by Order entered January 13, 2011, the Commission granted the petitions for reconsideration, pending review of the merits.

Additionally, by separate action, the Commission reopened the record for further evidentiary and public input hearings.<sup>12</sup> The Commission believed that allowing additional evidentiary hearings would assist in gathering the information needed to review the merits of the various petitions for reconsideration including the further need and implementation of area code relief in the 814 NPA. As a result, the Commission directed the Office of Administrative Law Judge (OALJ) to schedule at least one technical conference and any others, as appropriate, throughout the region of the 814 NPA to develop the record on any technical impediments to a geographic split and to further develop record evidence of the economic impact of both the geographic split and overlay options presented in the June 2009 Petition.<sup>13</sup>

The Commission also determined that there was a great need for all participants to fully understand the possible area code relief options that are available to the Commission in accordance with FCC regulations and industry guidelines. Thus, in addition to gathering additional evidentiary information, the Commission contemplated that further public input hearings would serve to educate all participants and to determine the least disruptive option concerning area code relief for the 814 NPA.<sup>14</sup> Furthermore, in an effort to ensure that new area codes are not introduced prematurely, the Commission directed the Law Bureau and the Bureau of Fixed Utility Services Staff<sup>15</sup> to provide monthly updates on projected exhaust dates for the 814 NPA and information concerning the exhaust status of the 814 NPA. Subsequently, the Commission requested Neustar to submit more recent information concerning the projected exhaust status of the 814 area code for its review. As a result of this request, Neustar performed a delta NRUF of the 814 area code, the result of which were provided to the Commission on February 18, 2011.

#### F. Suspension of the Timeline for the Implementation of Geographic Split of the 814 NPA

The delta NRUF<sup>16</sup> performed by Neustar indicated that the current projected exhaust date for the 814 area code

<sup>5</sup> An NXX code is a 10,000 block of telephone numbers assigned to a particular rate center. Currently, thousands block pooling permits a block of 10,000 numbers to be separated into ten sequential blocks of 1,000 numbers and allocated to different providers within a rate center.

<sup>6</sup> The NPA Relief Planning Guidelines can be accessed on the ATIS website located at <http://www.atis.org>. NANPA and the industry utilize the NPA Relief Planning and Notification Guidelines in the planning and implementation of area code relief efforts.

<sup>7</sup> The public input hearings were held in the cities of Altoona, Johnstown, State College, Erie and Somerset.

<sup>8</sup> Implementation of Additional Delegated Authority Granted to Pennsylvania by the Federal Communications Commission in its Order Released May 18, 2010—Mandatory Thousands-Block Number Pooling in the 215/267, 570, 610/484, 717 and 814 NPAs, M-2010-2178173 (Order entered June 3, 2010).

<sup>9</sup> Section 251(e) of the Telecommunications Act of 1996, 47 U.S.C. § 251(e).

<sup>10</sup> As a result of its decision to implement a geographic split, NANPA informed the Commission that "582" will be assigned as the new area code for portions of the current 814 area code east of Jefferson, Elk and McKean counties. The boundary runs in a north/south direction east Singlehouse, Wilcox, Kersey, Dubois and Sykesville rate centers.

<sup>11</sup> Petitions for Reconsideration were received from the following: Honorable State Representative Kathy Rapp, Velocity.Net Communications, Inc., Core Communications, Inc. and the Honorable State Senator Mary Jo White, Coaxial Cable Television, the Honorable State Representative Brad Roae, the Honorable Mayor Joseph E. Sinnott, Daniel H. Miller, Debbie Richardson, Alice M. Swavey, Ann DiMarco, Carol Storch, Carl Bradshaw, Charmaine Koehler-Lodge, Dana Swavey, DLF Associates, Donna Rosenquest, Douglas Lodge, Carol Flak, Jane Gable, Keystone Metal Center, Lois and Charles Griggs, Paris Brothers and Company, Inc., James and Janet Kelso, Jared A. Daly, Jim and Laura Faith Bock, Christopher and Donna Keller, Kenneth C. Springirth, Debra Leasure, Marjic Embroidery, Marjorie Sipos, Manufacturer and Business Association, Memory Lane Jewelers, McCarthy, Martone, & Peasley, Janice Y. Patton, Robert B. Mooney, Jr's Last Laugh, Robert and Maryann Martin, Ruth and John Jackson, Clayton Schulze, Dr. Richard Teubert, The Victor Group Inc., Janice Thomas, Troy McFate, Waldameer Park Inc., William E. Terrell, Michael Cooper, Douglas Boldt and Save814.com, Epic Web Studios LLC, Global Insurance and Investments, Inc., Mary Humes, Robert and Carol Keller, Memory Lane Jewelers, the Pennsylvania Office of Consumer Advocate, Verizon Pennsylvania, Inc., Verizon North LLC, MCI Metro Access Transmission Services LLC d/b/a/ Verizon Access Transmission Services (collectively "Verizon"), Verizon Wireless, AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh, TCG Delaware Valley, Inc., and New Cingular Wireless PCS, LLC d/b/a/ AT&T Mobility (collectively "AT&T"), T-Mobile Northeast LLC, and VoiceStream Pittsburgh (collective "T-Mobile"), and Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communications of the Mid-Atlantic, Inc. and NCPD (collectively "Sprint"), Roger W. Stranahan, and William and Judith Bargar.

<sup>12</sup> Petition of the North American Numbering Plan Administrator on behalf of the Pennsylvania Telecommunications Industry for Approval of Numbering Plan Area Relief Planning for the 814 NPA, Docket No. P-2009-2112925 (Order entered January 13, 2011).

<sup>13</sup> The Commission held the technical conferences in State College and Erie.

<sup>14</sup> The Commission held additional public input hearings in State College, Erie, Oil City, Bradford, Dubois, Punxsutawney, Somerset, Bedford, Altoona and St. Mary's.

<sup>15</sup> The Bureau of Fixed Utility Services has been renamed the Bureau of Technical Utility Services.

<sup>16</sup> The term "delta NRUF" connotes an NPA area code exhaust forecast that is performed outside its normal timing sequence.

has been revised to the first quarter of 2015 instead of the first quarter 2013, which is an increase of approximately four years from the initial projection given in 2009. Given this new information regarding the projected exhaust date for the 814 NPA, the Commission determined that the immediacy for the implementation of timely area code relief in the 814 area code had diminished. Thus, by Order entered March 17, 2011, the Commission indefinitely suspended the timeline for the implementation of the geographic split for the 814 area code.

The Commission determined that, by suspending the timeline for implementation, affected carriers would not have to commence network modifications and residents and businesses would not have to endure new dialing patterns prematurely. However, since the projected exhaust date for the 814 area code was still too close to the mandatory three-year time frame set forth by the NPA Code Relief Planning Guidelines<sup>17</sup> (INC Guidelines) to implement timely area code relief when the supply of numbers is depleting rapidly, the Commission determined that it would be premature to rescind its initial decision to implement timely area code relief for the 814 NPA. Accordingly, the Commission determined that it had no choice but to continue to move forward with its implementation of area code relief pending review of information concerning the exhaust status of the 814 NPA and the impact of mandatory thousands block number pooling<sup>18</sup> in the area code.

#### G. Release of October 2011 NRUF data

In accordance with the federal numbering procedures, the October 2011 NRUF data, which contains the updated projected forecasts for the exhaustion of the Pennsylvania area codes, including 814, was released by the FCC. Based on the new data, the forecasted exhaust dates for the 814 area code has been extended from the previously reported date of the first quarter of 2015 to the first quarter of 2016. By a Secretarial letter dated January 11, 2012, the Commission determined that it was premature to dismiss the petition for area code relief in 814 at that time. Nevertheless, the Commission also determined the immediacy for the implementation of timely area code relief in the 814 area code continues to diminish and; accordingly, stated that the status quo for the area code relief effort for the 814 NPA would remain intact, i.e., the suspension of the implementation of the area code relief would remain in place. Lastly, the Commission stated that upon the release of the latest NRUF data in April 2012, it would revisit the issue of the implementation of area code relief in the 814 NPA and if need be, also address the numerous petitions for reconsideration filed at the above-captioned docket at an upcoming regularly scheduled Public Meeting.

#### H. Release of March 2012 Delta NRUF Data

On March 9, 2012, Neustar released modifications that had been made to the previously projected NPA exhaust dates set forth in the October 2011 NPA exhaust analysis. This data indicates that the exhaust date for the 814 NPA has been extended from the previously reported date of the first quarter of 2016 to the second quarter of 2018, which is more than five years away.

<sup>17</sup> These guidelines of the Industry Numbering Committee address NPA code relief planning activities. This includes the relief planning process, industry notification process and NANPA's responsibilities to affected parties and applicable regulatory authorities within the North American Numbering Plan area.

<sup>18</sup> Mandatory thousands block number pooling had been implemented in the 814 NPA as recently as September 30, 2010.

## Discussion

Pursuant to the FCC-approved INC Guidelines, the NANPA is charged with the responsibility of predicting the expected exhaust period for an area code by analyzing the historical growth data available for the NPA as well as any expected changes to the NXX demands in the future.<sup>19</sup> As previously stated, once the NANPA projects the exhaust date for the NPA to occur within 36 months, the INC Guidelines state that NANPA is required to prepare relief options and to conduct industry meetings with the goal of reaching industry consensus regarding the form of relief for the NPA.

However, if during the period after the NANPA has filed an industry relief plan but prior to regulatory approval of that plan it is determined that the NPA will not exhaust in the next five years, a relief plan may be withdrawn.<sup>20</sup> Also, the INC Guidelines allow a state commission to dismiss the relief plan when the regulatory body determines that area code relief is no longer needed.<sup>21</sup> Under the INC Guidelines, a state commission can end the relief planning process even after the issuance of a prior order implementing area code relief.

In March 2012, the NANPA revised the projected exhaust date for the 814 NPA to the second quarter of 2018 or approximately six years from now. Accordingly, since the new projected exhaust date of the 814 area code is over five years out, we believe that area code relief is no longer needed and that there is good cause to dismiss the NANPA's petition for approval of its relief plan in the 814 NPA. We dismiss the petition pursuant to our delegated authority over NPA relief. 47 C.F.R. § 52.19(c)(3)(ii). Furthermore, we note that independent state law permits the Commission to rescind or amend any order made by it after notice and opportunity to be heard.<sup>22</sup>

Since the filing of the June 9, 2009 area code relief petition, the 814 NPA has experienced a significant decrease in the demand for numbering resources and an efficient use of numbering resources due in large part to the implementation of mandatory number pooling within a majority of the rate centers within the 814 NPA. From June 2009, when the area code relief petition was filed for the 814 NPA, through November 2011, which is approximately 30 months, an average of 0.400 codes per month were assigned. However, there have been only a total of two NXX codes assigned over the past twelve months. The average quantity of NXX codes assigned to carriers over the past twelve months is 0.1667 codes per month. We believe that the decrease in code demands and subsequent code assignments will continue in the 814 area code.

Furthermore, according to information on the NANPA's website,<sup>23</sup> as of March, 2012, there were approximately 81 full NXX codes still available for assignment to carriers in the 814 NPA. Moreover, in addition to the full NXX codes available for assignment in the 814 NPA, there are approximately 2158 individual 1K blocks of telephone numbers still available for assignment in the 814 NPA according to the Pooling Administrator's data. Clearly, there are adequate numbering resources available to the telecommunications carriers providing service in the 814 NPA.

<sup>19</sup> See § 5.1 of the INC Guidelines.

<sup>20</sup> Id. at § 5.11.

<sup>21</sup> Id. at § 5.12.

<sup>22</sup> 66 Pa.C.S. § 703(g).

<sup>23</sup> www.nanpa.com.

More importantly, the April 2012 biennial NRUF data shows that the average utilization rate<sup>24</sup> for the total NXX codes assigned in the 814 NPA is 34%. This means that the telecommunications carriers still have the ability to assign many more numbers from their current inventories in order to meet customer demand.

The current numbering data clearly demonstrates that both the decrease in demand and the number conservation measures implemented and utilized by the Commission within the 814 NPA have resulted in the availability of adequate numbering resources for telecommunications carriers providing service in the 814 NPA. This fact is evident by the changes in the projected exhaust date of the 814 NPA from the date the petition for area code relief for the 814 NPA was filed with the Commission in June 2009. The initial projected exhaust date for the 814 NPA, which was based upon the April 2009 NRUF data, was the first quarter of 2012. The latest projection from the March 2012 Delta NRUF data is the second quarter of 2018, which is a substantial increase of twenty-six quarters overall (or approximately 6.5 years). The 814 NPA will not be approaching exhaustion of their numbering resources in the near future.

Pursuant to our December 17th Order, we directed the implementation of area code relief—a two-way geographic split of the 814 NPA; however, we are rescinding that action based upon the latest projected exhaust date for the 814 NPA. Additionally, we received numerous petitions for reconsideration against that particular decision. In a previous order in this docket, we granted the numerous petitions for reconsideration filed against that decision, pending review of the merits, and scheduled technical conferences and additional public input hearings to receive evidence regarding whether to reconsider our decision to geographically split the 814 area code.

The Commission would like to express its sincere thanks to those that submitted written comments in this proceeding and to those who attended and participated in the public input hearings and technical conferences to offer their concerns and suggestions regarding which form of area code relief the Commission should implement for the 814 area code. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties in their petitions for reconsideration. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); also see, generally, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). In any event, we are denying the petitions for reconsideration as they are all moot based upon our decision today.<sup>25</sup>

### Conclusion

We note that in a previous order in this docket, we stated that we would continue to diligently monitor NXX code activity and the projected exhaust date for the 814 NPA. Based on our analysis of the current numbering resources available in the 814 area code, adequate resources exist for carriers to receive numbers in a timely fashion. Nevertheless, we encourage the industry and the NANPA to work together with the Commission to ensure

<sup>24</sup> “Utilization” rate has been defined as the percentage of NXX codes assigned to end-users from the carriers total inventory of NXX codes within a NPA.

<sup>25</sup> Nevertheless, we note for the record that the overwhelming testimony received at the public input hearings was in favor of rescinding the geographic split decision and implementing an overlay as the appropriate form of area code relief for the 814 area code. Residents and businesses located within the 814 area code testified that they preferred the implementation of the overlay as the form of area code relief because they believed that it was the least disruptive of area code relief. Additionally, at the technical conferences, the telecommunications carriers submitted testimony and evidence that the implementation of an overlay presented less technical complications and network issues compared to the implementation of a geographic split of an area code.

the efficient use of our finite numbering resources in the 814 area code so that new area codes are not unnecessarily opened in the Commonwealth. The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is minimized to the extent possible.

The recent numbering data from the NANPA clearly demonstrates that the implementation of number conservation measures have resulted in a significant decrease in the demand of NXX codes in the 814 NPA. As a result, telecommunications carriers have adequate numbering resources available to them and, thus, the implementation of an all services distributed overlay as the appropriate form of area code relief in the 814 NPA is no longer immediately necessary; *Therefore*,

#### *It Is Ordered That:*

1. The June 9, 2009 petition filed by Neustar with the Commission on behalf of the Pennsylvania telecommunications industry at the above-docket for approval of its relief plan for the 814 area code is hereby dismissed.
2. The December 7, 2010 Order, implementing a geographic split as the form of area code relief for the 814 NPA and adopting the previous implementation schedule for the 582 and 814 NPAs is hereby rescinded.
3. The petitions for reconsideration filed at the above-captioned docket are denied as moot, consistent with this Opinion and Order.
4. The North American Numbering Plan Administrator shall reclaim the 582 NPA and return it to the pool of available area codes within the North American Numbering Plan and place it in “reserved” status.
5. A copy of this order shall be sent to the North American Numbering Plan Administrator.
6. A copy of this order shall also be published in the *Pennsylvania Bulletin* and posted on the Commission’s website.

ROSEMARY CHIAVETTA,  
*Secretary*

*Statement of Vice Chairperson John F. Coleman, Jr.*

In the end, the regulatory process worked here, and I am obviously pleased that we were able to dismiss the area code relief petition in the 814 NPA. Since the last update in October 2011, the new projected exhaust date for 814 has moved back over two years to the second quarter of 2018, which is six years away. This is certainly great news, as I recognize that any form of area code relief has an impact on the industry and the public. Today’s action certainly helps minimize that impact.

As stated in the Commission’s order, the 814 area code has experienced a significant decrease in the demand for numbering resources and has experienced a more efficient use of telephone numbers since the filing of the area code relief petition in June 2009. In particular, number conservation efforts such as 1,000-block pooling have helped prolong the life of the 814 area code to reach the point where we are today, which is a dismissal of the 814 relief petition. Our number conservation efforts will continue, and we expect the decrease in code demands to also continue in 814. Nevertheless, the Commission will continue to diligently monitor NXX code activity and projected exhaust data for 814.

The public input process established after petitions for reconsideration were filed sought to provide interested

parties with another meaningful opportunity to be heard in this matter and was to aid the Commission in making a fully informed decision. I want to thank the public for participating and for providing good information that would have been critical in deciding the appropriate form of area code relief. I also want to thank the public for its patience while this process unfolded. As we previously cautioned, there was no guarantee that the updated exhaust data would show adequate numbering resources in 814 to discontinue area code relief, even though the exhaust data trending was favorable. Fortunately, for all parties involved, adequate numbering resources are projected to exist for the foreseeable future, and area code relief is no longer needed in 814 at this time.

JOHN F. COLEMAN, Jr.,  
Vice Chairperson

[Pa.B. Doc. No. 12-883. Filed for public inspection May 11, 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 May 29, 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.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2012-2285059. Advance Care, Inc., t/a Advance Care Ambulance** (111 Buck Road, Door 500, Suite 3, Huntingdon Valley, Bucks County, PA 19006)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. Vlad Tinovsky, Esquire, Tinovsky Law Firm, 3 Neshaminy Interplex Drive, Suite 301, Trevoise, PA 19053.

**A-2012-2290583. Ascot Transportation Group, LLC** (209 Bradley Court, Holland, PA 18966)—for the right to begin to transport, as a common carrier, persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery to points in Pennsylvania, and return. *Attorney:* David P. Temple, Gallagher Malloy & Georges, Suite 1100, 1760 Market Street, Philadelphia, PA 19103-4104, (215) 963-1555.

**A-2012-2291730. Alford E. Donovan** (706 Market Street, Lykens, Dauphin County, PA 17048)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Lancaster, Franklin, Northumberland and Perry, to points in Pennsylvania, and return.

**A-2012-2291933. Blaine Benton** (94 Creek Drive, Halifax, Dauphin County, PA 17032)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Lancaster, Franklin, Northumberland and Perry, to points in Pennsylvania, and return.

**A-2012-2293269. Violet Phillips** (108 Lilly Road, Honey Brook, PA 19344), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Chester County to points in Pennsylvania and return.

**A-2012-2294681. Bruce J. Byram** (1021 Glen View Drive, Denver, Lancaster County, PA 17517)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2012-2295358. Robert E. Mitchell** (52 Rummel Road, Halifax, Dauphin County, PA 17032)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Dauphin County, to points in Pennsylvania, and return.

**A-2012-2295525. Galen E. Sweigart, Jr., t/a G. Sweigart Transport Services** (533 Airport Road, New Holland, PA 17557)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

#### Applications of the following for the approval of the *transfer of stock as described under each application.*

**A-2012-2294093. Cranberry Taxi, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (500 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2294261. Air Star Transportation & Limousine Service, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (1,000 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2294269. Classy Cab Company, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (52,150 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

**A-2012-2294281. Star Limousine Service, Inc.** (910 Sheraton Drive, Mars, Butler County, PA 16046)—for the approval of the transfer of the issued and outstanding stock, from Robert C. DeLucia (5,000 shares) to Star Transportation Group, Inc. *Attorney:* William A. Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

#### Applications 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 each application.*

**A-2012-2292793. Chris L. Cloud & Associates, LLC** (747 Cypress Street, Yeadon, Delaware County, PA 19050)—to discontinue service as a common carrier by motor vehicle, at A-6410591, authorizing the transportation, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Montgomery, Delaware, Chester and Bucks, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2012-2292817. Peaks and Valleys Transport, LLC** (1380 Route 286 Highway East, Building #2 Office 223, Indiana, Indiana County, PA 15701)—to discontinue service as a common carrier by motor vehicle, at A-6411239, authorizing the transportation, as a common carrier, by motor vehicle, persons in Airport Transfer service, from points in Indiana County to John Murtha Airport, located in Johnstown, Cambria County, Pittsburgh Internal Airport, located in Pittsburgh, Allegheny County and University Park Airport, located in State College, Centre County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-884. Filed for public inspection May 11, 2012, 9:00 a.m.]

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### Telecommunications

**A-2012-2300998. Windstream and Time Warner Cable Information Services (Pa), LLC.** Joint petition of Windstream and Time Warner Cable Information Services (Pa), LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream and Time Warner Cable Information Services (Pa), LLC, by its counsel, filed on April 25, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an 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 Windstream and Time Warner Cable Information Services (Pa), 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. 12-885. Filed for public inspection May 11, 2012, 9:00 a.m.]

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## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been

filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Janny's Cab, Inc. (CPC No. 1000217-01, Medallion P-0197) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-04-03. Paonta, Inc.,** 2301 Church Street, Philadelphia, PA 19124 registered with the Commonwealth on February 1, 2010.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 29, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-886. Filed for public inspection May 11, 2012, 9:00 a.m.]

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### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by R&D Taxi, Inc. (CPC No. 1000562-01, Medallion P-0697) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-04-01. Paonta, Inc.,** 2301 Church Street, Philadelphia, PA 19124 registered with the Commonwealth on February 1, 2010.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 29, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-887. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Motor Carrier Transfer Application for Dispatch Service in the City of Philadelphia

Authority to render services as a common carrier in Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Crescent Cab Association, Inc. (CPC 1013172-03) to dispatch medallion taxicabs in the City of Philadelphia.

**A-12-04-02. DW Radio, Inc., d/b/a Crescent Cab,** 6749 Upland Street, Philadelphia, PA 19142 registered with the Commonwealth on April 13, 2012, application pending.

Formal protests must be filed in accordance with 52

Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 29, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-888. Filed for public inspection May 11, 2012, 9:00 a.m.]

### Taxicab and Limousine Division Approved Fee Schedule for the Fiscal Year Beginning July 1, 2012

The following table lists all fees for the Taxicab and Limousine Division (TLD) for the Fiscal Year (FY) 2013. The Philadelphia Parking Authority may also charge for goods such as postings in taxicabs, training material and incidental services such as copying, computer access and record checks.

All fees are nonrefundable.

<i>Fee Description</i>	<i>Fee</i>
Annual Medallion Assessment Fee for all Medallion Taxicabs Except that the First 30 Wheelchair Accessible Vehicles to Register Pay "zero." This is only for FY 2013.	\$1,275 / medallion payable in two installments if elected and approved
Annual Metered or Mileage Based Tariff Limousine Fee—1—15	\$700 for first 15 vehicles
Annual Metered or Mileage Based Tariff Limousine Fee—16—30	\$650 for second 15 vehicles
Annual Metered or Mileage Based Tariff Limousine Fee—31 or more	\$600 for all additional vehicles
Annual Assessment Fee for Partial Rights Cabs	\$1,500 / vehicle payable in two installments if elected and approved
Annual Fee for Limousines—All Classes 1—15	\$350 for the first 15 vehicles
Annual Fee for Limousines—All Classes 16—30	\$325 for the second 15 vehicles
Annual Fee for Limousines—All Classes 31 or more	\$300 for all additional vehicles
Limousine Stickers Pro-rated 1/1/13 to 3/31/13 50% Discount	\$175, \$162.50, \$150
Limousine Stickers Pro-rated 4/1/13 to 6/30/13 75% Discount	\$87.50, \$81.25, \$75.00
Limousine Replacement Registration Sticker	\$30
Limousine Daily Passes for Temporary Vehicles	\$30 / vehicle / day
Remote Carrier Registration Fee per Vehicle per Year	\$15
Large Vehicle Registration Fee—Per Company—One Time Fee	\$15
Annual Assessment Fee for Dispatcher	\$2,750 / certificate payable in two installments if elected and approved
Dispatcher Change in Colors and Markings Scheme	\$500
Annual Renewal Fee for Single Driver Certificate	\$80
Annual Renewal Fee for Dual Driver Certificate	\$160
Duplicate Certificate Replacement	\$25
New Driver Certification with Classroom Training Required for Taxicab Driver Certification	\$130
New Driver Certification without Classroom Training (for Limousine Drivers Only)	\$100



<i>Fee Description</i>	<i>Fee</i>
Dual Certification	\$230
Individual Medallion or CPC Ownership Transfer Fee	\$2,000 or 3% of purchase price, whichever is greater
Annual Medallion Broker Registration Fee	\$1,200
Application for new Dispatch Service—Fee	\$15,000
Application for new Limousine Certificate—Fee	\$12,000
Additional Limousine Rights at time of Initial Application	\$3,000
Additional Limousine Rights after Initial Rights Granted by Board	\$6,000
New Limousine Certificate Application Protest Fee	\$2,500
Petition Filing fee for Regulation Waivers and Non-Waiver Petitions	\$200
New Car and Replacement Vehicle Transfers	\$200
Pennsylvania State and TLD Semi Annual Inspections Under 210,000 miles	\$75
Pennsylvania State and TLD Semi Annual Inspections, 210,000 Miles and Above	\$100
Inspection Fee for Green and Accessible Vehicles Under 200,000 Miles	\$50
Inspection Fee for Green and Accessible Vehicles, 200,000 Miles and Above	\$75
Emission Waiver	\$100
Reinspection Fee at Third Inspection after Two Failures	\$125
Rescheduling Fee	\$100
Offsite Limousine Inspection per Vehicle (twice standard fee)	\$150
Medallion Return after Sheriff Levy	\$200
Administrative Hearing Fee (due if found liable)	\$75
Cab Replacement Postings (each)	\$10 (each posting)
Department of Transportation Processing Fees (above Department of Transportation costs)	\$20
Communication Fee Associated with Hospitality Initiative (VTS Vehicles Only)	\$18 per month
Bounced Check Fee	\$200
Voluntary Suspension of Individual Medallion or CPC	\$50

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-889. Filed for public inspection May 11, 2012, 9:00 a.m.]

## STATE BOARD OF MEDICINE

### Bureau of Professional and Occupational Affairs v. Ronald Rahman, MD; Doc. No. 1799-49-09

On March 2, 2012, Ronald Rehman, MD, license no. MD023525E, of Philadelphia, Philadelphia County and Voorhees, NJ, had his Pennsylvania license automatically suspended, for at least 10 years, based upon his conviction to the crime of distribution of prescription drugs.

Individuals may obtain a copy of the final order by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine'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.

JAMES W. FREEMAN, MD,  
*Chairperson*

[Pa.B. Doc. No. 12-890. Filed for public inspection May 11, 2012, 9:00 a.m.]

# STATE BOARD OF OSTEOPATHIC MEDICINE

## **Bureau of Professional and Occupational Affairs v. R. Wayne Mosier, DO; Doc. No. 1314-53-10**

On November 16, 2011, R. Wayne Mosier, DO, license no. OS007796L, of Talihina, OK, had his Pennsylvania license revoked based on disciplinary action taken against his license to practice osteopathic medicine by the proper licensing authority of another state.

Individuals may obtain a copy of the final order by writing to Sabina I. Howell, Board Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Osteopathic Medicine's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOSEPH C. GALLAGHER, Jr., DO,  
*Chairperson*

[Pa.B. Doc. No. 12-891. Filed for public inspection May 11, 2012, 9:00 a.m.]

