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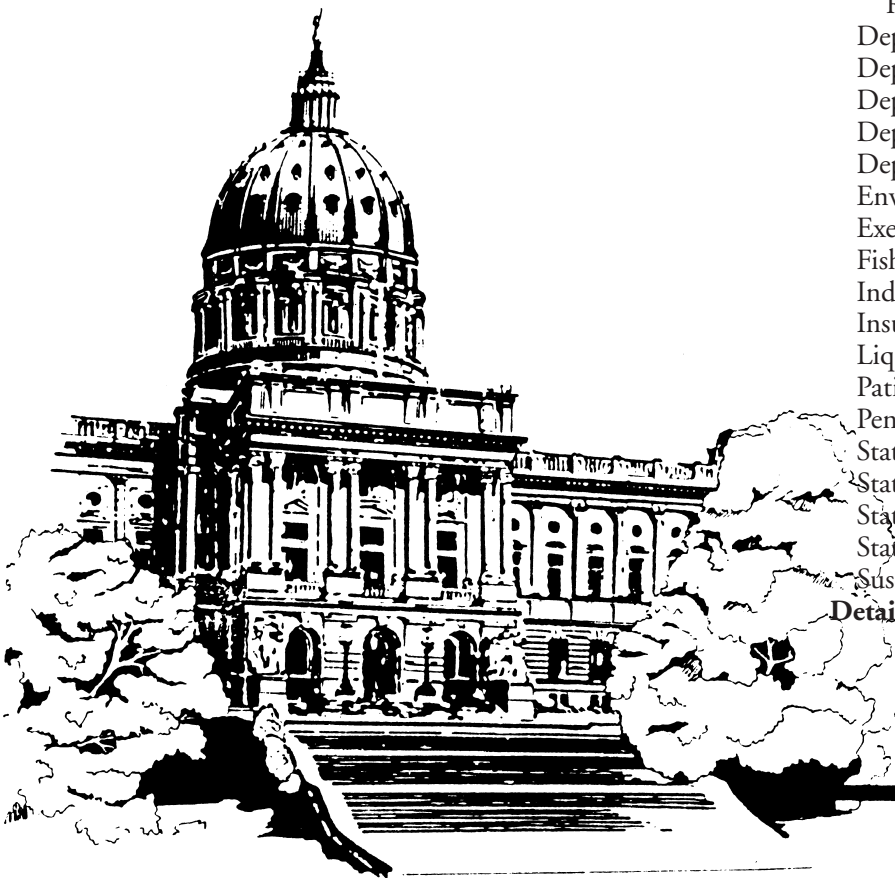
Saturday, July 14, 2012 • Harrisburg, PA

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**Latest Pennsylvania Code Reporters
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No. 452, July 2012

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2012 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2012 Regular Session.

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|---|-----------------------|--------------------|-------------------------|-----------------------|---|
| 2012 General Acts of Regular Session Enacted—Act 053 through 074 | | | | | |
| 053 | May 29 | HB1091 | PN1188 | 60 days | Michael D. Crotty Memorial Parkway—designation |
| 054 | May 29 | HB1400 | PN3479 | 60 days | Primary Stroke Center Recognition Act—enactment |
| 055 | May 29 | HB1825 | PN3494 | Immediately | Conveyance—Commonwealth property in multiple counties |
| 056 | May 29 | SB0817 | PN1830 | 60 days | Judicial Code (42 Pa.C.S.)—use of restraints on children during court proceedings |
| 057 | May 29 | SB1395 | PN1925 | Immediately | Captain David Eric Pannabecker POW-MIA Memorial Highway—designation |
| 058 | May 29 | SB1429 | PN1968 | 60 days | Corporal Paul Walters Memorial Bridge—designation |
| 059 | May 30 | HB1610 | PN3442 | 60 days | Sudden Cardiac Arrest Prevention Act—enactment |
| 060 | Jun 12 | SB1310 | PN2234 | Immediately* | Unemployment Compensation Law—omnibus amendments |
| 061 | Jun 13 | HB0010 | PN1957 | 90 days | Second Class County Port Authority Act—title, legislative findings, port authorities, board, eminent domain, conveyance, integrated operation, exclusive jurisdiction, report and editorial changes |
| 062 | Jun 13 | HB0165 | PN3560 | 60 days | Crimes Code (18 Pa.C.S.)—cruelty to animals |
| 063 | Jun 13 | HB0804 | PN3561 | 60 days | Judicial Code (42 Pa.C.S.)—exemptions from jury duty |
| 064 | Jun 13 | HB1237 | PN1356 | Immediately | Game and Wildlife Code (34 Pa.C.S.)—resident license and fee exemptions |
| 065 | Jun 22 | SB0388 | PN1388 | 60 days | Dental Law—professional liability insurance |
| 066 | Jun 22 | SB1049 | PN1717 | 60 days | Fish and Boat Code (30 Pa.C.S.)—form and expiration of licenses, license and permit packaging options and expiration of licenses and permits |
| 067 | Jun 22 | SB1067 | PN2127 | 60 days | Vehicle Code (75 Pa.C.S.)—further defining “emergency vehicle” and defining “emergency canteen support service organization vehicle” |
| 068 | Jun 22 | SB1351 | PN2140 | 60 days | Vital Statistics Law of 1953—death and fetal death registration information for certificates, coroner referrals and pronouncement of death by a professional nurse |
| 069 | Jun 22 | SB1406 | PN1934 | Immediately | Education (24 Pa.C.S.)—certification of institutions |
| 070 | Jun 22 | SB1433 | PN2257 | Immediately | Homeowner Assistance Settlement Act—enactment |
| 071 | Jun 27 | HB1913 | PN3211 | Immediately | Real Estate Tax Abatement for Properties Damaged by Hurricane Irene or Tropical Storm Lee Act—enactment |

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|---|-----------------------|--------------------|-------------------------|-----------------------|--|
| 072 | Jun 27 | SB0276 | PN1977 | 60 days | Downtown Location Law—powers and duties of Department of General Services |
| 073 | Jun 27 | SB0375 | PN2278 | 60 days | General Local Government Code (53 Pa.C.S.)—governing body and money of authority |
| 074 | Jun 27 | SB1398 | PN2163 | Immediately | Storage Tank and Spill Prevention Act—Underground Storage Tank Environmental Cleanup Program and Underground Storage Tank Pollution Prevention Program |
| 2012 APPROPRIATION ACTS of Regular Session ENACTED—ACT 001A through 007A | | | | | |
| 001A | Jun 13 | SB1472 | PN2066 | Immediately* | State Employees' Retirement Board—administrative expenses, etc. |
| 002A | Jun 13 | SB1473 | PN2067 | Immediately* | Public School Employees' Retirement Board—administrative expenses, etc. |
| 003A | Jun 13 | SB1474 | PN2068 | Immediately* | Bureau of Professional and Occupational Affairs—operation of professional licensure boards |
| 004A | Jun 13 | SB1475 | PN2069 | Immediately* | Pennsylvania Public Utility Commission—operation |
| 005A | Jun 13 | SB1476 | PN2070 | Immediately* | Office of Small Business Advocate—operation |
| 006A | Jun 13 | SB1477 | PN2071 | Immediately* | Pennsylvania Gaming Control Board, Department of Revenue, Pennsylvania State Police and Attorney General—operation and maintenance expenses |
| 007A | Jun 13 | SB1479 | PN2073 | Immediately* | Office of Consumer Advocate—operation |

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

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ROBERT ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 12-1293. Filed for public inspection July 13, 2012, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CHS. 67 AND 69]

Internal Operating Procedures of the Commonwealth Court

The Commonwealth Court's Internal Operating Procedures are effective June 5, 2012.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. (Reserved)

Subchapter A. (Reserved)

| | |
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| Sec. | |
| 67.1—67.9. | (Reserved). |
| 67.11. | (Reserved). |
| 67.13—67.16. | (Reserved). |
| 67.18—67.35. | (Reserved). |
| 67.41—67.49. | (Reserved). |
| 67.51. | (Reserved). |
| 67.53—67.57. | (Reserved). |
| 67.71. | (Reserved). |

Subchapter B. (Reserved)

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| Sec. | |
| 67.101. | (Reserved). |

CHAPTER 69. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT OF PENNSYLVANIA

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ORGANIZATION AND ASSIGNMENT OF JUDGES

§ 69.101. Classification of Judges; Definitions.

For the purpose of these Internal Operating Procedures, the following terms shall have the meanings indicated:

“Commissioned Judge” means a judge serving as a member of this court by gubernatorial appointment or, pursuant to election, during an elective term as a member of this court.

“Duty Judge” means the judge currently designated for service by the duty roster established under § 69.121.

“Senior Judge” means a judge, formerly elected as a member of this court or another court of the Commonwealth, who has retired and is designated to sit as a senior judge on panels of this court, whether or not also designated to serve as a duty judge.

“Assigned Judge” means a judge, formerly elected as a member of this court or another court of the Commonwealth, who has been designated to serve as a duty judge, whether during active service upon such other court or after having attained retirement age.

“Judge” shall include (1) each commissioned judge with respect to all matters, (2) each senior judge with respect to matters before any panel on which the senior judge has been designated to sit, and (3) each assigned judge with respect to designation as a duty judge.

§ 69.111. Courts En Banc and Panels; Number of Judges Assigned.

An en banc court shall consist of seven commissioned judges. Panels of the court shall consist of three judges, except in the circumstance of a two-member panel in accordance with Pa.R.A.P. 3102(b).

§ 69.112. Courts En Banc and Panels; Composition.

The president judge shall structure the judicial membership of en banc courts and panels to provide for rotation of judges. Before the day of argument, court personnel shall not identify the judicial membership of en banc courts and of panels to any other persons.

§ 69.121. Duty Rosters; Establishment.

The president judge shall annually establish a duty roster, which shall, on a weekly basis, provide for the assignment to each judge, when designated as duty judge by the duty roster, all matters required by law or deemed necessary by the president judge for evidentiary hearing, oral argument or disposition on briefs or otherwise. The

duty roster normally shall exclude weeks during which regular argument sessions of the court are scheduled. Court personnel shall not identify any designated duty judge, in advance of sitting, to any other person.

§ 69.122. Duty Rosters; Location of Proceedings.

All evidentiary hearings and arguments assigned to the duty judge shall be conducted at the seat of the court in Harrisburg unless originally ordered to be heard elsewhere or by teleconference under § 69.124, or unless the president judge orders or approves the conducting of them elsewhere pursuant to Pa.R.A.P. 3704 or Pa.R.A.P. 3735.

§ 69.123. Duty Rosters; Availability.

Each duty judge shall be present or available in Harrisburg throughout the week and shall make the prothonotary and chief clerk aware of where he or she can be reached when not at the Pennsylvania Judicial Center during regular hours. The duty judge shall be in charge of making administrative decisions when the president judge is not available by telephone communication, but the president judge shall be consulted if major decision making is required.

§ 69.124. Duty Rosters; Teleconference Proceedings.

Where the presentation of evidence is not involved, a duty judge may conduct an argument by conference telephone equipped with loudspeaker, pursuant to an order fixing the argument date and the time at which the court shall call counsel at their respective offices to proceed, and stating the location where the judge will sit, which shall be open to public access.

§ 69.125. Duty Rosters; Special Trial Assignments.

The president judge may specially assign the trial of a case within the court's original jurisdiction to a particular judge. Any judge so assigned (a) may be relieved of other responsibilities during the pretrial, trial and decision processes, and (b) shall be responsible for the management of the case by such authorized procedures as the judge shall elect to apply, including a pretrial order under § 69.313.

§ 69.126. Emergency Applications.

(a) An emergency application is defined as an application filed during non-business hours, including holidays and weekends. Filing of emergency applications outside of normal business hours will be allowed only when both of the following conditions are present:

(1) The application will be moot unless a ruling is obtained prior to noon of the next business day; and

(2) The application is being filed within two business days of the filing of the order sought to be reviewed.

(b) An emergency application shall include the following:

(1) An explanation of why an order of this Court is necessary, time sensitive and satisfies the threshold requirements set forth in (a)(1)—(2);

(2) An explanation of how service has been perfected upon the opposing party or, if service has not been made, a summary of the efforts to perfect service or explanation of why service is impossible or impracticable

(3) Unless already docketed with this Court, a stamped "filed" copy of the relevant common pleas court order being appealed, as well as a copy of the notice of appeal that will be filed with this Court;

(4) Unless already docketed with this Court, a copy of the relevant petition for review, whether addressed to this Court's appellate or original jurisdiction;

(5) The appropriate filing fee or a sufficient pauper's affidavit.

(c) Each duty judge shall be available from 12:01 a.m. on the Monday commencing his or her duty week and remain available until 12:00 midnight on the Sunday concluding the duty week. The duty judge shall be available in Harrisburg Monday through Friday or shall advise the prothonotary and chief clerk of a telephone number at which he or she may be reached when not present in the Court's Harrisburg offices. The assigned duty judge shall make decisions in all emergency applications.

(d) The filing of an emergency application should be made by contacting this Court's prothonotary, the chief clerk, or a deputy prothonotary who will accept the papers by the most expeditious means available, including fax or e-mail attachment, and assign the matter a docket number, if needed.

(1) The Court officer accepting the filing shall contact the emergency judge to make arrangements for consideration and disposition of the emergency application.

(2) If the duty week judge is not available, the emergency application shall be referred to the president judge and then to the associate judges in descending order of seniority, if the president judge is not available.

(3) The telephone number of the court officer accepting the filing of emergency applications shall be made available through the Court's after hours telephone message system (717-255-1600 or 717-649-5153).

APPELLATE JURISDICTION

§ 69.201. Permission to Appeal; Interlocutory Orders.

The prothonotary shall present each petition for permission to appeal, together with opposing briefs and any recommendation, to the duty judge for appropriate action. In the absence of a recommendation by the prothonotary, the disposition of such petitions shall follow the procedure for petitions for reargument, stated in § 69.291.

§ 69.211. Petition for Review; Clarification.

When the chief clerk receives a written communication that evidences an intention to appeal an adjudication of a state administrative agency but does not conform to the rules for an appellate petition for review, the chief clerk shall time-stamp the written communication with the date of receipt. The chief clerk shall advise the party by letter (1) of the procedures necessary to perfect the appeal and (2) that the date of receipt of the communication will be preserved as the date of filing of the appeal if that party files a fully conforming petition for review within 30 days of the date of the chief clerk's letter. If the party fails to file a fully conforming petition for review within that period, the chief clerk shall advise the party by letter that the court will take no further action in the matter.

§ 69.221. Preargument Matters; Applications, Motions and Petitions.

The chief clerk shall promptly, after filing, submit preargument applications, motions and petitions requiring consideration by a judge to the prothonotary. The prothonotary shall daily confer with the president judge or the duty judge on such matters, who shall act by order granting or denying the relief or remedy sought, directing the matter to be decided on submitted briefs, or listing

the matter for argument before, or in conjunction with, argument on the merits of the appeal. When required by law or rule, the judge shall defer acting upon the matter pending filing of an answer or until the time for answer has expired.

§ 69.222. Preargument Matters; Arguments and Evidentiary Hearings.

If an application pending appeal merits or requires an evidentiary hearing or argument, the president judge or the duty judge shall list the matter for hearing at the earliest opportunity consistent with appropriate notice of hearing and any applicable statutory provisions or procedural rules, for disposition consistent with the procedure governing matters within the original jurisdiction of the court.

§ 69.223. Preargument Matters; Extensions of Time.

The chief clerk may grant a written request for an extension of time to file briefs or to file the reproduced record, where the requested extension is (a) for thirty days or less, (b) the first one sought, and (c) unopposed by all other parties. If any of the three enumerated requirements does not exist, the party shall submit the request by formal application upon which the prothonotary, chief clerk or deputy prothonotary may act for the court.

§ 69.231. Briefs; Advance Reading.

Briefs timely filed as to cases to be heard by the court at its regular argument sessions are read in advance of oral argument by the judges participating in an en banc session as to cases so listed, and by the judges participating in a panel session as to cases listed before the panel to which a judge is assigned. Counsel should prepare for oral argument consistent with this practice of the court.

§ 69.232. Briefs; Submission of Cases on Briefs.

Where cases are to be submitted for decision upon the briefs without oral argument, either by determination of the court or by leave to do so at the request of one or more of the parties, the chief clerk shall so designate them if they appear upon argument lists. Apart from argument lists, the president judge shall appoint additional panels, designated as "Submission Panels," for the disposition of cases thus submitted.

§ 69.241. Arguments; Sessions.

Regular argument sessions of the court shall be annually fixed by order of the court, the particular days to be devoted to en banc and panel sessions, or combinations thereof, to be determined by the president judge. The president judge shall allocate cases to be heard by panels or by the court en banc, except as otherwise directed by the court as to particular cases.

§ 69.242. Arguments; Preparation of Lists.

To aid the president judge in the allocation of cases to be heard by the court en banc or by panels, the chief clerk shall submit an analysis of the procedural posture and issues raised in each case ready for argument. The prothonotary shall review the list of cases, and present to the president judge recommendations as to cases on the list to be heard by the court en banc or by a panel. The president judge shall review the proposed argument list and make any changes deemed necessary. As approved or as modified by the president judge, the chief clerk shall proceed to publish the argument list and give notice to litigants. The argument list as published shall disclose a day certain for argument of each case listed.

§ 69.243. Arguments; Number of Cases.

The president judge, the prothonotary and the chief clerk shall determine the number of cases to be listed at a

regular argument session before the court en banc and before panels, on the basis of expediting the disposition of cases ready for argument, to the maximum extent feasible.

§ 69.244. Arguments; Time Allowed.

As a general rule, the presiding judge normally shall allow the parties on each side, including intervening parties, fifteen (15) minutes for argument in cases before the court en banc and seven and one-half (7 1/2) to ten (10) minutes in cases before panels. Exercising discretion, the presiding judge may nevertheless limit any argument to a shorter period pursuant to Pa.R.A.P. 2315(a) or may allow additional time.

§ 69.251. Decisions; Conferences and Assignments of Draft Opinions.

(a) After argument sessions and consideration of argued and submitted cases in a conference of the judges comprising the respective court en banc or panel, the presiding judge shall assign each case to a judge who represents the expressed majority view at the conference, for the preparation of the opinion of the court.

(b) The opinion-writing judge shall proceed to prepare a draft opinion in accordance with the decision of the court en banc or of the panel or expressing any different views which the judge may reach after subsequent study of the case, designated as an "Opinion" or "Memorandum Opinion" in accordance with § 69.413 below. The draft opinion shall ordinarily be one to be signed by the writer when final, but in appropriate cases it may be a briefer opinion recommended by the writer to be handed down per curiam. Except in the case of adoption of the reasoning in the opinion of the trial court, or where the appeal is meritless, the opinion shall state, at least summarily, the nature of the case, the principal question or questions involved, the holding of the court or agency below and the rationale of this court's decision.

§ 69.252. Decisions; Circulation of Draft Opinions.

When the draft opinion has been prepared, the opinion-writing judge shall transmit it, normally within forty-five days after the date of assignment, to the other judges, with a face sheet bearing the date the case was argued or submitted on briefs, and also with a memorandum in standardized form requesting them to inform the writer of (1) their agreement or disagreement with the opinion and order in accordance with these rules, together with any suggestions which they may desire to make with respect to the draft opinion, and (2) any disagreement as to the writer's recommendation concerning reporting, in accordance with § 69.412. The writer shall also indicate by memorandum (1) when the draft proposes a result different from the tentative conference vote, and (2) when a proposed panel decision would overrule a previous panel decision of this court. The other judges shall respond to the opinion-writing judge within fifteen days. If no response is received in that time, the opinion-writing judge shall consider nonresponse as indicating that each judge not responding is willing to have the opinion filed as circulated.

§ 69.253. Decisions; Concurrences and Dissents.

If a judge on the court en banc or the panel before which a case was argued, or to which it was submitted, responds by stating an intention to write a concurring opinion or a dissenting opinion, the opinion-writing judge shall hold the opinion for an additional twenty days, during which period the concurring or dissenting judge shall submit an opinion to the opinion-writing judge, to

be filed on the same date as the opinion of the court. A dissenting or concurring judge shall also inform all other judges of such intention and shall circulate the opinion to them when written. The opinion-writing judge shall consider concurrences and dissents and the reasons for them, and may revise the draft opinion and recirculate it. If a concurring opinion or dissenting opinion is not received by the opinion-writing judge within the twenty-day period, he or she shall consider the previous intent to be waived and shall proceed to file the opinion of the court and any concurring opinions or dissenting opinions actually submitted to the opinion-writing judge. A judge on the court en banc or panel may join in a concurring or dissenting opinion and shall so notify the opinion-writing judge, who shall be responsible for noting the joinder of that judge in such concurring opinion or dissenting opinion. When a judge circulates a concurring or dissenting opinion, the opinion of the court and any concurring or dissenting opinion may be filed no earlier than ten days after the circulation of the concurring or dissenting opinion.

§ 69.254. Decisions; Reassignments.

If, in connection with a draft opinion in circulation, a majority of the judges who heard the case, or to whom it was submitted on briefs, decline to join in that opinion and favor a result or rationale contrary to it, the presiding judge with respect to that case shall reassign it to a judge who represents the new majority view.

§ 69.255. Decisions; Objections.

(a) If a judge who is not a member of the en banc court or of the panel before which a case is argued, or to which it is submitted, responds with an objection to the draft opinion, the opinion-writing judge shall consider the objection and reasons for it, and may revise the draft opinion and recirculate it as deemed necessary.

(b) An objecting judge shall also inform all other judges of the objection and the reasons for it. An objection, however, shall not entitle the objecting judge to file a concurring or dissenting opinion.

§ 69.256. Decisions; Effect of Disagreements.

(a) If a draft opinion in circulation in any case produces any combination of four or more proposed dissents, objections, or concurring opinions, the opinion-writing judge shall not file the opinion but shall notify the president judge to list the case for consideration at the next judicial conference. For purposes of this subsection the notation "concur in result only" shall not be considered in the foregoing combination. If, pursuant to vote after judicial conference consideration, a majority of all of the judges, as well as a majority of the judges who heard the case or to whom it was submitted on briefs, favor the result reached in the circulated draft opinion, that opinion, together with any concurring or dissenting opinions and notations of concurrences or dissents, shall be filed. Otherwise, if judicial conference consideration and vote does not warrant reassignment in accordance with § 69.254, the president judge shall list the case for reargument before the court en banc.

(b) When there exists a vacancy or a recusal among the commissioned judges that results in an even number of commissioned judges voting on a circulating panel opinion or en banc opinion, and when the vote of all participating commissioned judges results in a tie, the opinion shall be filed as circulated. The opinion shall contain a footnote on the first page indicating that the opinion is filed pursuant

to this paragraph. Unless there is a majority vote of the participating commissioned judges to publish, the opinion shall not be published.

§ 69.257. Decisions; Overruling Previous Decisions.

Pursuant to the circulation of a draft opinion accompanied by a notation in accordance with § 69.252 that the proposed panel decision would overrule a previous panel decision, if a majority of the court agrees that such an overruling would result, the president judge shall list the matter on the agenda of the next judicial conference for consideration as to reargument.

§ 69.258. Decisions; Election Law Appeals.

The procedures of §§ 69.252—69.257 above shall not apply to election law appeals heard by a court en banc or a panel. The members of a special court en banc or panel, under the supervision of the president judge or judge presiding over the special panel, shall reach and file their decision, together with concurrences and dissents, if any, as soon as possible, without circulation to, or participation by, the judges not sitting on the respective court en banc or panel.

§ 69.259. Decisions; Informational Circulation.

When circulating draft opinions, memoranda, responses, dissenting opinions, concurring opinions, comments and other matters pursuant to §§ 69.252—69.258, the judges shall also circulate copies for information to senior judges not members of the respective court en banc or panel.

§ 69.261. Decisions; Notation of Recusals.

If a judge anticipates recusal with respect to a case on which the judge has been assigned to sit, the judge shall notify the presiding judge of the court en banc or panel as soon as possible. A commissioned judge may also be recused with respect to responding with an objection or no objection under § 69.255. For the information of the judge who, as the writer of the opinion of the court, has the responsibility for preparing the opinions to be filed in accordance with § 69.262, a recused judge, whether sitting on the particular court en banc or panel or not, shall communicate the fact of recusal by notation upon the response form or in writing otherwise. The judge responsible for preparing the opinions to be filed shall have the non-participation of a judge noted upon the majority opinion of the court, whether such judge was sitting as a member of the court en banc or panel or not.

§ 69.262. Decisions; Filing.

When the opinion of the court and any accompanying concurring opinions or dissenting opinions are ready to be filed, the opinion-writing judge shall transmit to the president judge the original opinions and such number of copies as the president judge shall from time to time specify, with each opinion of the court bearing notations as to any judges who dissent without opinion, who concur in the result only, and who are recused. The president judge shall transmit the original opinions and the copies for filing, docketing and distribution. The writer shall sign the original of each opinion, except that, in the case of a per curiam opinion, the writer shall identify his authorship by accompanying memorandum. The opinion-writing judge shall also deliver one (1) copy of each such opinion to all other judges. To enable the opinion-writing judge to carry out this responsibility, any judge writing a concurring opinion or dissenting opinion shall deliver to the opinion-writing judge a sufficient number of copies. The opinion-writing judge shall date his or her opinion and any concurring opinions or dissenting opinions with the filing date.

§ 69.291. Rearguments; Petitions for Reargument.

The president judge shall distribute petitions for reargument and answers to them, involving cases decided by a panel of the court or the court en banc, to all judges of the court. After consideration pursuant to such circulation, the vote of the majority of the commissioned judges of the court to grant or deny the petition for reargument shall govern, although comments from the court's senior judges shall be solicited. Where a party files a petition for reargument of an order issued by a single judge, the prothonotary shall submit the petition, together with any answer, to that judge for disposition.

ORIGINAL JURISDICTION**§ 69.301. General; Applicability of Appellate Jurisdiction Procedures.**

Sections 69.221 through 69.262, inclusive, of these Internal Operating Procedures under Appellate Jurisdiction shall govern proceedings in original jurisdiction matters when those proceedings are before courts en banc and panels.

§ 69.311. Pretrial Matters; Applications, Motions, Petitions and Praecipes.

The chief clerk shall promptly, after filing papers in original jurisdiction cases, submit pretrial applications, praecipes for trial after a case is at issue, petitions for summary judgment or for judgment on the pleadings, statutory enforcement proceedings requiring a hearing before a judge, praecipes for hearing in matters under Pa.R.A.P. 1571, and all other motions and matters requiring the consideration of a judge before trial or argument on the merits, to the prothonotary, who shall, on a daily basis, confer with the president judge or duty judge on such matters. Depending upon the nature of the matter, the president judge or the duty judge shall by order set the matter down for evidentiary hearing or formal trial, for argument before a single judge in cases in which a single judge may dispose of the matter, for argument before the court en banc or a panel, or for other disposition consistent with the applicable Rules of Appellate Procedure or Rules of Civil Procedure.

§ 69.312. Pretrial Matters; Subpoenas.

Subpoenas of the court may issue from the principal office of the prothonotary in Harrisburg or from the filing office of the court in Philadelphia.

§ 69.313. Pretrial Matters; Pretrial Orders.

To govern the expeditious disposition of substantial trials, pretrial orders may regulate discovery, set a pretrial conference, require consideration of settlement, make provision for the identification of issues, establish a procedure for the acceptance of evidence through stipulations, provide for the advance exchange of exhibits and experts' reports, and limit the number of witnesses, together with all other matters which the designated judge shall deem proper.

§ 69.321. Proceedings; Election Cases.

Proceedings under the Pennsylvania Election Code within the court's original jurisdiction (petitions for review in the nature of mandamus and objections to nomination petitions and papers) shall be under the direct supervision of the president judge, the prothonotary and the chief clerk. The president judge, to dispose of such cases, shall establish a special election court schedule, assign judges to hear cases or, when necessary, convene a special court en banc or panel to hear the same promptly.

§ 69.322. Proceedings; Costs of Transcripts of Testimony.

In any proceeding where a stenographer is present, the presiding judge or duty judge shall, incident to the disposition of the proceeding, provide by order for the allocation of the costs for the stenographer. Such costs normally include the appearance fee and the cost for the transcription of the notes of testimony, if the court orders transcription or the filing of a notice of an appeal requires it. Upon receipt of such an order, the chief clerk shall forthwith bill the responsible party. If the responsible party fails to pay the amount due within thirty days of the date of the bill, the court shall impose appropriate sanctions to enforce payment.

§ 69.331. Reconsideration; Petitions for Reconsideration.

When a party files a petition for reconsideration of an order issued by a single judge, the prothonotary shall submit the petition, together with any answer, to the judge for action, in accordance with Pa.R.A.P. 123(e).

§ 69.341. Process; Designation of Officials for Service of Process.

The Sheriff of Dauphin County is the official agency designated to execute the service of process issuing from the court, either directly in Dauphin County or by deputizing the respective sheriffs of other counties, for the service of process in those other counties.

§ 69.342. Process; Designation of Officials for Execution of Bench Warrants of Arrest.

By order in a particular case, a judge may designate the Pennsylvania State Police or the Sheriff of Dauphin County as the official agency for the execution of a bench warrant of arrest. The Sheriff of Dauphin County may act either directly, within Dauphin County, or by deputizing sheriffs of other counties.

DECISIONS**§ 69.401. Issuance of Decisions; Orders and Opinions.**

On the day each order or opinion and order is filed, the chief clerk shall mail a copy to each counsel of record or pro se litigant. In matters on appeal from a trial court, the chief clerk shall mail a copy of the opinion to the trial judge. He shall also promptly distribute copies of opinions, when designated to be reported, to the list of distributees of opinions of the Commonwealth Court, as from time to time approved by the president judge.

§ 69.412. Reporting of Opinions; Determination as to Reporting.

(a) Each judge who is the author of an opinion of a panel or the court en banc shall indicate, in circulating the opinion to the other members of the court, the authoring judge's recommendation as to whether the opinion shall be reported. A decision generally should be reported when it:

- (1) establishes a new rule of law;
 - (2) applies an existing rule of law to facts significantly different than those stated in prior decisions;
 - (3) modifies or criticizes an existing rule of law;
 - (4) resolves an apparent conflict of authority;
 - (5) involves a legal issue of continuing public interest;
- or

(6) constitutes a significant, non-duplicative contribution to law because it contains:

- (i) an historical review of the law,
- (ii) a review of legislative history,
- (iii) a review of conflicting decisions among the courts of other jurisdictions.

(b) The recommendation shall govern the determination as to reporting, unless a majority of the commissioned members of the court disagree with it. Opinions of a single judge shall be filed but not reported unless, because of the unique character of the case, the prothonotary or the authoring judge shall recommend that the opinion be reported and a two-thirds majority of the commissioned members of the court shall concur with the recommendation.

§ 69.413. Reporting of Opinions; Designation as to Reporting.

Each opinion which is to be reported shall be designated as an "OPINION." Each unreported opinion shall be designated as a "MEMORANDUM OPINION," its face sheet shall bear the advice, "OPINION NOT REPORTED," and the court's docket shall note that it is an unreported opinion.

§ 69.414. Citing Judicial Opinions.

An unreported opinion of this court may be cited and relied upon when it is relevant under the doctrine of law of the case, res judicata or collateral estoppel. Parties may also cite an unreported panel decision of this court issued after January 15, 2008, for its persuasive value, but not as binding precedent. A single-judge opinion of this court, even if reported, shall be cited only for its persuasive value, not as a binding precedent.

§ 69.415. Reporting of Opinions; Adoption of Trial Court Opinions.

When a reported opinion of the court, whether per curiam or signed by a judge, adopts the trial court's opinion in its entirety, the opinion shall cite a publication containing the trial court opinion when possible; the citation may be to a reporter in which the trial court opinion has been published or to District & County Reports, if publication of the trial court opinion in that reporter is anticipated. If the opinion of this court so adopting a trial court opinion is unreported, the opinion shall include a reporter citation with respect to the trial court opinion only if it has in fact been reported in a publication.

§ 69.416. Reporting of Unreported Opinions.

After an opinion has been filed as unreported, the court, at any time on its own motion or on the motion of any person, may order the opinion to be reported. Motions to report unreported opinions shall be filed within 30 days after the filing of the opinion, and may be granted by majority vote of the commissioned judges.

MISCELLANEOUS

§ 69.501. Mediation.

IN THE COMMONWEALTH COURT OF
PENNSYLVANIA

IN RE: ORDER :
ESTABLISHING : 126 M.D. No. 3
MEDIATION PROGRAM :

ORDER

And Now, this 15th day of September, 1999, It Is Hereby Ordered that effective January 1, 2000 counseled appeals of orders of the courts of common pleas and counseled petitions for review of state administrative agency action filed in Commonwealth Court's appellate jurisdiction and counseled actions filed in the Court's original jurisdiction may be referred at the discretion of the Court to the Court's Mediation Program to facilitate settlement and otherwise to assist in the expeditious resolution of matters before the Court. Cases that have not been selected by the Court for mediation may be referred at any time to the Mediation Program at the request of counsel or at the direction of any en banc or three-judge panel of the Court.

Tax appeals from orders of the Board of Finance and Revenue, which are now subject to a status conference program, and all pro se matters shall be exempt from the Mediation Program. Mediation shall be offered at no cost to the parties and shall be conducted by a senior or retired judge of the Court assigned on a periodic basis by the President Judge.

IT IS FURTHER ORDERED that within ten days after receipt of the notice of appeal, petition for review or complaint, the appellant, petitioner or plaintiff shall file with the Chief Clerk the required docketing statement on a form provided by the Court at the time of the notice of appeal, petition for review or complaint is filed. The appellant, petitioner or plaintiff shall also file a Statement of Issues with the docketing statement. The Statement of Issues shall be no more than two pages in length and shall set forth a brief summary of the issues and a summary of the case necessary for an understanding of the nature of the appeal, petition for review or complaint. Service of the docketing statement and any attachments shall be made on all parties, and an original and one copy shall be filed with the Chief Clerk's Office along with a proof of service.

Cases shall be screened for referral to mediation immediately upon the filing of the docketing statement and any other form prescribed by the Court setting forth the issues and a summary of the case. After a case has been selected for mediation, the Chief Clerk shall notify counsel for all parties by letter of the referral to the Mediation Program and of the name of the mediation judge assigned to conduct mediation. The mediation judge shall promptly contact counsel to establish the location, date and time for mediation.

Within ten days of receiving notice of mediation, counsel shall provide the mediation judge with a mediation statement of no more than five pages, setting forth the positions of counsel as to the key disputed and undisputed facts and legal issues in the case and stating whether prior settlement negotiations have occurred. The mediation statement shall also identify any motions filed and their disposition; the mediation judge may dispose of only those motions related to scheduling or to the mediation process. In actions arising under the Court's appellate jurisdiction, counsel for the appellant or the petitioner shall attach as exhibits to the mediation statement a copy of the judgment or order on appeal and any opinion or adjudication issued by the common pleas court or agency. Copies of the mediation statement need not be served upon opposing counsel unless so directed by the mediation judge. Documents prepared solely for mediation and the notes of the mediation judge shall not be filed with the Chief Clerk.

All cases referred to mediation shall remain subject to the Court's normal scheduling for briefing and/or oral argument. The Court's briefing and/or oral argument schedule shall not be modified by the Chief Clerk unless so directed by the mediation judge to accommodate mediation.

All mediation sessions must be attended by counsel for each party with authority to settle the matter and, if required, such other person with actual authority to negotiate a settlement, whether involving the Commonwealth of Pennsylvania, a local government unit or an individual litigant. The mediation judge may at his or her discretion require the parties (or real parties in interest) to attend mediation. In cases involving the Commonwealth government, upon direction of the mediation judge, counsel shall have available someone from the appropriate agency with authority to settle who can be reached during mediation to discuss settlement if such person is not already required to be in attendance by the mediation judge. The mediation judge may in the alternative obtain the name and title of the government official or officials authorized to settle on behalf of the state or local government unit.

No future mediation shall be conducted unless the mediation judge determines that further sessions are necessary to effectuate a settlement. The mediation judge assigned to mediate a case shall attend all future mediation sessions scheduled in the case. The mediation judge shall possess authority to impose any necessary sanctions for the failure of counsel to comply with the requirements of this order.

The mediation judge shall not disclose the substance of the mediation settlement discussions and proceedings, and counsel likewise shall not disclose such discussions and proceedings to anyone other than to their clients or to co-counsel. No information obtained during settlement discussions shall be construed as an admission against interest, and counsel shall not use any information obtained during settlement discussions as the basis for any motion or application other than one related to the Court's briefing or argument scheduling. Where settlement is reached, counsel shall prepare a written settlement agreement and obtain all necessary signatures of the parties and counsel. The agreement shall be binding upon the parties to the agreement, and after execution counsel shall file a stipulation of dismissal within ten days thereof. Where necessary or upon the request of counsel the mediation judge may enter an appropriate order approving the settlement and remanding the case to the tribunal below for its enforcement and/or implementation.

Any case not resolved by mediation shall remain on the Court's docket and proceed as if mediation had not occurred. The mediation judge shall not participate in any decision on the merits of the case. Upon the termination of mediation either through settlement and dismissal or through a continuation of the case on the Court's docket, the mediation judge shall dispose of all documents obtained during mediation unless the mediation judge determines to retain any part of non-confidential documents until final disposition of a case. In any event, the mediation statements and any other confidential documents submitted to the mediation judge shall be destroyed immediately upon the termination of mediation.

The Court's order establishing a Mediation Program shall be published in the Pennsylvania Bulletin and in legal newspapers throughout the Commonwealth prior to the effective date of the Mediation Program. The order

shall be posted in the Chief Clerk's Office and a copy thereof shall be mailed to all counsel whose cases have been selected for mediation. The Court also shall amend its Internal Operating Procedures to incorporate the mediation procedures and shall give notice thereof simultaneously with notice of the Court's order establishing the Mediation Program. This order may be amended at the discretion of the Court.

§ 69.502. Pennsylvania Cable Network (PCN) Guidelines.

(a) *General Provisions*

(1) From the date of these Guidelines until further order of this Court, the recording by PCN of en banc proceedings before Commonwealth Court for future broadcast on PCN is permissible only in accordance with these Guidelines.

(2) Three business days advance notice is required of a request to be present to record a scheduled en banc proceeding electronically for future broadcast on PCN electronically. Such requests must be submitted to the Executive Administrator for approval by the President Judge. The President Judge, or presiding judge of the en banc panel will retain the authority, in his or her sole discretion, to prohibit camera coverage of any proceeding.

(3) There shall be no coverage of an en banc proceeding involving any case that the Court has designated SEALED, or of any case involving the expungement or the refusal to expunge founded or indicated reports of child abuse.

(4) The President Judge, or presiding judge of an en banc proceeding may limit or terminate coverage, or direct the removal of camera coverage personnel when necessary to protect the rights of the parties or to assure the orderly conduct of the proceedings.

(5) No expense by Commonwealth Court is to be incurred for equipment, wiring or personnel needed to provide coverage by PCN.

(6) Introductory commentary, if any, shall be supplied by members of the Pennsylvania Bar approved by the Board of Judges of the Commonwealth Court.

(7) All coverage must be gavel-to-gavel, including broadcasts, with the exceptions covered in 1(c) and 1(d) above.

(8) All copyrights to the broadcasts are the possession of the Commonwealth Court of Pennsylvania and may not be used without the approval of the Commonwealth Court of Pennsylvania. PCN shall provide to the court DVD or videotape recordings of all sessions covered by PCN, whether or not broadcasted.

(9) This shall become effective November 1, 2006.

(b) *Limitations*

(1) Camera coverage of en banc proceedings must be conducted in conformity with applicable statutes, national rules, any guidelines that may be issued by the U.S. Judicial Conference or the Supreme Court of Pennsylvania.

(2) There shall be no audio pickup or broadcast of conferences between co-counsel or among the judges.

(c) *Equipment and Personnel*

(1) Only two television cameras, with one operator per camera, and one small robotic camera, will be permitted in the courtroom. The Executive Administrator, or design-

nee, shall identify the location in the courtroom for the camera equipment and operators.

(2) Equipment shall not produce distracting sound or light. Signal lights or devices to show when the equipment is operating shall not be visible. Motorized drives, moving lights, flash attachments or sudden light changes shall not be used.

(3) Except as otherwise approved by the Executive Administrator, or designee, existing courtroom sound and light systems shall be used without modification. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility, or from a television camera's built-in microphone. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance by the Executive Administrator or designee.

(4) All equipment must be set up prior to the opening of the court session and may not be removed until after the conclusion of the day's proceedings. Video tape recording equipment which is not a component part of a television camera shall be located in an area remote from the courtroom. Camera operators shall not exit or enter the courtroom once the proceedings are in session except during a recess or adjournment. Camera operators shall wear suitable attire in the courtroom.

(5) PCN personnel shall adhere to the direction of the Executive Administrator, or designee, in such matters as security, parking, noise avoidance, and other related issues.

(d) *Impermissible Use of Material*

None of the film, video tape, still photographs or audio reproductions developed during or by virtue of coverage of an en banc proceeding shall be admissible as evidence in the proceeding out of which it arose, any proceeding subsequent and collateral thereto, or upon any appeal of such proceedings.

[Pa.B. Doc. No. 12-1294. Filed for public inspection July 13, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Local Rules of Court; MsD No. 12-40160

Administrative Order of Court

And Now, this 25th day June 2012, it is hereby ordered and directed that Local Rules L1920.33(b) and L1920.51(a) adopted by Administrative Order of Court on February 1, 2007 are herewith amended. New Local Rules L1920.33(b) and L1920.51(a) are adopted and are effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court directs the Court Administrator to:

1. File one (1) certified copy of this Administrative Order and the within Local Rule of Civil Procedure with the Administrative Office of the Pennsylvania Courts.

2. File two (2) certified copies of this Administrative Order and the within Local Rule of Civil Procedure and

one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*

3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Domestic Relations Procedural Rule Committee.

4. Forward one (1) copy of this Administrative Order and the within Local Rule of Civil Procedure to the administrative office of the *Butler County Legal Journal* for publication.

5. Forward one (1) copy of this Administrative Order and the within Local Rule of Civil Procedure to the Butler County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rule of Court in the Office of the Butler County Prothonotary, the Butler County Domestic Relations Section and the Office of the Court Administrator.

By the Court

THOMAS J. DOERR,
President Judge

L1920.33(b). Pre-trial Procedures.

(1) Either party may file an affidavit with the court alleging that the parties have lived separate and apart within the meaning of the Domestic Relations Code for a continuous period of 18 months prior to the filing of the affidavit. Upon either the filing of said affidavit, or the expiration of 18 months since the filing of a divorce complaint being acted upon in this County, or upon the filing by both parties of affidavits conceding that the marriage is irretrievably broken, either party may present a motion to establish a deadline for the initiation and/or completion of pre-trial discovery. Upon consideration of the motion, and the arguments of counsel, the court shall establish a pre-trial discovery order, with appropriate deadlines.*

(2) After discovery is closed, the court shall conduct a pre-trial conciliation conference, which may be scheduled as part of the discovery order described in subparagraph (a). Ten (10) business days before the pre-trial conference, each party shall file with the Prothonotary, and serve upon opposing counsel, a pre-trial statement which complies in all material respects with the requirements of Pa.R.C.P. No. 1920.33(b).** At the pre-trial conference, each party shall notify the other party and the court of any exhibits attached to the opposing parties pre-trial statement to which there is an objection as to admissibility. The court may rule on the objections presented, or may allow the issue to be addressed by the master. The court shall enter an order following the pre-trial conference setting forth any rulings by the court, stipulations or agreements of the parties, or other directions or information which will be helpful to the master, if the case is not settled.

(3) If a party fails to comply with any requirement of this rule, the court, upon motion of a party or on its own motion, may make an appropriate order under any available rule or statute governing sanctions.

(4) If a party fails to literally comply with Pa.R.C.P. 1920.33(b)(4) by failing to attach to his Pretrial Statement filed with the Prothonotary*** or adequately describe therein exhibits to be offered at trial, he shall be subject to sanctions unless:

(i) he has provided a complete copy of all the exhibits identified in his Pretrial Statement with the copy of the Pretrial Statement served on opposing counsel; and

(ii) he has provided a complete copy of all of the exhibits identified in his Pretrial Statement to the Special Master, if any, within 10 days after docketing of the Order appointing the Special Master; and

(iii) the original omission of the Exhibits is excusable in the opinion of the court.

***Comment:** In general, the court's objective in setting the discovery schedule will be to have the case ready for trial (including the completion of the pre-trial conference) at the end of a two-year separation.

****Comment:** Practitioners must read the Introductory Comment, above, for the court's views on the purpose and acceptable content of pre-trial statements.

*****Comment:** The Rule recognizes the vital importance early access to a complete copy of the Pretrial Statement exhibits by trial counsel and the Master, both for settlement analysis and trial. The rule also attempts to discourage the filing of lengthy exhibits with the Prothonotary whose physical storage space is limited, and because of the increased likelihood that personal information such as account numbers or social security numbers may be inadvertently disclosed into the public domain.

L1920.51(a). Masters Proceedings.

(1) The court may appoint a master to receive evidence, make findings of fact, and recommend to the court a disposition of all issues referred to the master. Masters may be appointed, in the court's discretion, in cases of divorce, equitable distribution, alimony, claims for counsel fees, expert fees, other litigation expenses, special relief for exclusive possession, and in any other type of matter authorized by law or rule of court. The issues to be determined by the master will be framed by the court's pre-trial order; accordingly, except with leave of court, there will not be a pre-trial conference before the master.

(2) The court may appoint as a master any attorney licensed to practice law in the Commonwealth of Pennsylvania, having 10 years experience as a lawyer, including significant trial experience, or who has 10 years combined experience as a lawyer with trial experience and as a judge, district justice, master or as a comparable judicial officer, and who possesses, in the court's opinion, appropriate knowledge of the legal subjects at issue, and an appropriate judicial temperament. A master appointed by the Court pursuant to this rule is not precluded from practicing family law in Butler County.

(3) Masters shall be compensated by the parties to the litigation based on a fee schedule published by the court from time to time by general administrative order. If, pursuant to Pa.R.C.P. No. 1920.51(a) (3), a party moves for appointment of a master, the moving party shall deposit a sum with the prothonotary to cover the master's initial fee. The amount of deposit shall be set from time to time by general administrative order. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(I), the master may direct the parties to deposit further amounts with the Prothonotary. A Special Divorce Master appointed by the Court shall receive a minimum fee of \$600, unless all matters

referred to the Master are settled by written agreement of the parties filed within 10 days of the date the Order appointing the Master is docketed.

(4) A party filing a motion to compel discovery, a motion for sanctions, a motion to limit discovery or for a protective order, a motion in limine, or a motion to stay the master's hearing must address such application to the court. Other applications, by mutual consent, may be presented to the master; however, absent mutual consent all other applications shall be presented to the court.

(5) Once a master is appointed, any document subsequently filed with the court shall be served upon the master by the filing party. In addition, the prothonotary shall serve the master with copies of any orders issued.¹

Comment: Cases are referred to the Master because it is assumed they will not settle, and because the Court deems them ready for trial. Masters promptly review the file, schedule hearings, note concerns with the adequacy of the pretrial statements, discuss stipulations and deal with other issues. Cases often settle after these preliminary steps are taken. The rule recognizes the value of such contributions to the process of resolving cases, even if the parties do not. Masters should wait 10 days after appointment to expend significant time on the file, to allow for a quick settlement, for less than the "minimum" fee.

[Pa.B. Doc. No. 12-1295. Filed for public inspection July 13, 2012, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of Commonwealth Court for the Year 2013; No. 126 M.D. No. 3

Amended Order

And Now, this 19th day of June, 2012, our Order dated May 3, 2012, fixing the dates for the argument sessions of the Commonwealth Court of Pennsylvania in the year 2013, is hereby *Amended* as follows:

| <i>Dates</i> | <i>Situs</i> |
|----------------|--------------|
| February 11-15 | Philadelphia |
| March 11-15 | Harrisburg |
| April 15-19 | Pittsburgh |
| May 14-17 | Philadelphia |
| June 17-21 | Harrisburg |
| September 9-13 | Harrisburg |
| October 7-11 | Philadelphia |
| November 12-15 | Pittsburgh |
| December 9-13 | Harrisburg |

DAN PELLEGRINI,
President Judge

[Pa.B. Doc. No. 12-1296. Filed for public inspection July 13, 2012, 9:00 a.m.]

¹ "Any document" is an all-inclusive term.

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 126]

Employer Trip Reduction

The Environmental Quality Board (Board) amends Chapters 121 and 126 (relating to general provisions; and motor vehicle and fuels programs) to read as set forth in Annex A. The purpose of this final-omitted rulemaking is to rescind the employer trip reduction (ETR) requirements in Chapter 126, Subchapter B for employers with 100 or more employees in the Commonwealth portion of the Philadelphia Consolidated Metropolitan Statistical Area (CMSA) to implement a program to reduce work-related vehicle trips.

This final-omitted rulemaking deletes from § 121.1 (relating to definitions) the terms “APO—average passenger occupancy,” “AVO—average vehicle occupancy,” “bus pool,” “commuting trips,” “employee,” “employer,” “peak travel period,” “Philadelphia CMSA,” “target area,” “telecommuter,” “transportation coordinator,” “van pool” and “worksites.” This final-omitted rulemaking rescinds §§ 126.201—126.208 and Chapter 126, Appendix A, which were approved as a final-form rulemaking by the Board on September 21, 1993, and published at 24 Pa.B. 693 (January 29, 1994).

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if the agency for good cause finds that the notice of proposed rulemaking procedure is in the circumstances impracticable, unnecessary or contrary to the public interest. Omission of notice of proposed rulemaking for the rescission of §§ 126.201—126.208, Chapter 126, Appendix A and the supporting terms in § 121.1 is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, in this instance, impracticable, unnecessary and contrary to the public interest. As more fully explained as follows, the ETR regulations were never implemented and emission reduction credits were not claimed for it in State Implementation Plan (SIP) revisions.

This final-omitted rulemaking was adopted by order of the Board at its meeting of March 20, 2012.

A. Effective Date

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons and Information

For further information, contact Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen M. Furlan, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted

rulemaking is available on the Department of Environmental Protection’s (Department) web site at www.depweb.state.pa.us (Keyword: Public Participation).

C. Statutory Authority

The final-omitted rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005). Section 5(a) of the APCA grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

D. Background of the Amendments

The Commonwealth’s final-form rulemaking published at 24 Pa.B. 693 adopted provisions requiring employers of 100 or more employees located in “severe” ozone nonattainment areas to develop and implement a program to reduce work-related vehicle trips by employees. At the time the final-form rulemaking was published, the Commonwealth portion of the Philadelphia CMSA (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) was the only area of this Commonwealth classified as a severe ozone nonattainment area. The final-form rulemaking required employers subject to the regulations to submit employee trip reduction plans to the Department by November 15, 1994, for employers with equal to or greater than 1,000 employees and by November 15, 1995, for affected employers with at least 100 but fewer than 1,000 employees.

The Department adopted the 1994 regulations in response to section 182(d)(1)(B) of the Clean Air Act (CAA) (42 U.S.C.A. § 7511a(d)(1)(B)). In that section, Congress directed that a state with a severe ozone nonattainment area was required to submit a revision to the SIP requiring employers in the nonattainment area with 100 or more employees to develop compliance plans designed to increase the average passenger occupancy of their employees who commuted to work during the peak period by 25% above the average passenger occupancy of the nonattainment area. The Commonwealth submitted its final-form ETR regulations to the United States Environmental Protection Agency (EPA) as a SIP revision on May 2, 1994. The EPA has not acted upon the ETR SIP submittal.

The Commonwealth’s General Assembly passed the act of November 16, 1994 (P. L. 614, No. 95) (Act 95), which amended 75 Pa.C.S. § 4706 (relating to prohibition on expenditures for emission inspection program) to require the Governor to suspend implementation and enforcement of the ETR program until March 31, 1995, or until an alternative program with equivalent emission reductions was developed. Act 95 also stipulated that “the Employer Trip Reduction Program or an alternative program shall not be required if the area classified as severe ozone nonattainment is reclassified as a serious ozone nonattainment area by the Environmental Protection Agency.”

In 1995, the Department developed a policy document (Doc. No. 271-5000-001, published February 1996) explaining the actions the Department took in response to Act 95. In addition, the policy document stated that the Department would rescind the ETR regulations if the CAA was amended to make the program voluntary.

In 1995, Congress amended the CAA to make the program voluntary. See Pub. L. No. 104-70 (December 23, 1995.) Additionally, the Philadelphia CMSA is now classified as a “moderate” nonattainment area, which is a

lesser classification than “severe” or “serious” under the CAA’s classification system that includes “extreme,” “severe,” “serious,” “moderate” and “marginal” areas, in that order.

The rescission of Chapter 126, Subchapter B and Appendix A and the deletion of the related definitions in § 121.1 does not negatively affect the environmental air quality in this Commonwealth. The ETR regulations were never implemented and the Commonwealth did not claim emission reduction credits for them in SIP revisions.

The final-omitted rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on June 23, 2011. The AQTAC voted 11-2-2 to concur with the Department’s recommendation to forward the final-omitted rulemaking to the Board. The final-omitted rulemaking was discussed with the Citizens Advisory Council (CAC) Air Committee on October 19, 2011. The CAC Air Committee did not have concerns. On the recommendation of the Air Committee, on November 15, 2011, the CAC voted to concur with proceeding to the Board.

E. *Benefits, Costs and Compliance*

Benefits

Rescission of the Department’s ETR regulations will limit confusion for employers of 100 or more employees in the Commonwealth portion of the Philadelphia CMSA by reserving Chapter 126, Subchapter B and Appendix A.

Compliance Costs

This final-omitted rulemaking does not require additional costs for compliance since the ETR final-form rulemaking was not implemented.

Compliance Assistance Plan

This final-omitted rulemaking does not require a compliance assistance plan.

Paperwork Requirements

Additional paperwork is not required as a result of this final-omitted rulemaking.

F. *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 21, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on June 20, 2012, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2012, and approved the final-omitted rulemaking.

G. *Findings*

The Board finds that:

(1) The amendments as set forth in Annex A are appropriate to rescind the ETR regulations.

(2) Use of the final-omitted rulemaking procedure is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL is, in this instance, impracticable, unnecessary and contrary to the public interest. Commonwealth legislation suspended

implementation of the ETR program in Chapter 126, Subchapter B and Appendix A and nullified it once the nonattainment area was reclassified to “moderate” nonattainment. Further, Congress amended the CAA to make the program optional. The ETR regulations were never implemented and are not part of the Commonwealth’s approved SIP.

(3) This final-omitted rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble and in the public interest.

H. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 126, are amended by amending § 121.1 and by deleting §§ 126.201—126.208 and Chapter 126, Appendix A to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

MICHAEL L. KRANCER,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4297 (July 7, 2012).)

Fiscal Note: 7-471. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

ABS welding adhesive or acrylonitrile-butadiene-styrene welding adhesive—An adhesive intended by the manufacturer to weld acrylonitrile-butadiene-styrene (ABS) pipe, which is made by reacting monomers of acrylonitrile, butadiene and styrene.

Ablative coating—A coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerody-

namic heating. The ablative char surface serves as an insulating barrier, protecting adjacent components from the heat or open flame.

* * * * *

Bulk gasoline terminal—A gasoline storage and distribution facility which has a daily throughput of 20,000 gallons (76,000 liters) or more of gasoline.

CARB—California Air Resources Board—The board established and empowered to regulate sources of air pollution in California, including motor vehicles, under California Health & Safety Code Section 39003.

* * * * *

Commercial interior adhesive—Materials used in the bonding of passenger cabin interior components which meet the Federal Aviation Administration (FAA) fireworthiness requirements.

Compatible epoxy primer—An aerospace vehicle or component primer that is compatible with the filled elastomeric coating and is epoxy based. The compatible substrate primer is an epoxy-polyamide primer used to promote adhesion of elastomeric coatings such as impact-resistant coatings.

* * * * *

Emissions unit—For purposes of Chapter 127, Subchapter E, a part of a facility that emits or has the potential to emit a regulated NSR pollutant including an electric utility steam generating unit as defined in this section. For the purposes of NSR requirements, there are two types of emissions units:

(i) A new emissions unit, which is or will be newly constructed and which has existed for less than 2 years from the date the emissions unit first operated.

(ii) An existing emissions unit is an emissions unit that does not meet the requirements in subparagraph (i). A replacement unit, as defined in this section, is an existing emissions unit.

Enamel—A coat of colored material, usually opaque, that is applied as a protective topcoat over a basecoat, primer or previously applied enamel coat. Another coating may be applied as a topcoat over the enamel.

* * * * *

Paving operation—The process of covering an area with stone, concrete, asphalt or other material in order to make a firm, level surface for travel. The term does not include compounds used exclusively as residential driveway sealing compounds are excluded.

Performance standard—For purposes of the regulation of hazardous air pollutants under section 112 of the Clean Air Act, the term includes design, equipment, work practice or operational standards or a combination thereof.

Perimeter bonded sheet flooring installation—The installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to 4 inches wide around the perimeter of the sheet flooring.

Permitted production capacity—The maximum pull rate as stated in the plan approval, operating permit or Title V permit.

Petroleum refinery—A facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt or other products through

distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

Phase 2 outdoor wood-fired boiler—An outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output or lower and is labeled accordingly.

Pittsburgh-Beaver Valley Area—The seven-county area comprised of the following Pennsylvania counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland.

* * * * *

Tank car—A rail car which is used for transporting liquids in bulk in an unpackaged form.

Temporary protective coating—A coating applied to provide scratch or corrosion protection during manufacturing, storage or transportation of aerospace vehicles or components.

(i) The term includes peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions.

(ii) The term does not include coatings that provide protection from acid or alkaline chemical processing.

* * * * *

Transitional low emission vehicle—A vehicle certified as a transitional low emission vehicle under the Clean Air Act.

Tread end cement—The application of a solvent-based cement to the tire tread ends.

* * * * *

Valves not externally regulated—Valves that have no external controls, such as in-line check valves.

Vapor balance system—A vapor transport system which directs the vapors from the vessel being loaded into either a vessel being unloaded or a vapor control system or vapor holding tank.

* * * * *

Working mode cover—A cover or solvent cleaning machine design that allows the cover to shield the cleaning machine openings from outside air disturbances while parts are being cleaned in the cleaning machine. A cover that is used during the working mode is opened only during parts entry and removal.

York air basin—The political subdivisions in York County of Manchester Township, North York Borough, Spring Garden Township, Springettsbury Township, West Manchester Township, West York Borough and City of York.

CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS

Subchapter B. (Reserved)

Sec. 126.201—126.208. (Reserved).

Appendix A. (Reserved)

[Pa.B. Doc. No. 12-1297. Filed for public inspection July 13, 2012, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 128]

Alternative Emission Reduction Limitations; St. Joe Resources Company

The Environmental Quality Board (Board) amends Chapter 128 (relating to alternative emission reduction limitations) to read as set forth in Annex A. The purpose of this final-omitted rulemaking is to rescind § 128.21 and the "State-specific" requirements to reduce sulfur dioxide (SO₂) emissions.

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if the agency for good cause finds that the notice of proposed rulemaking procedure is in the circumstances impracticable, unnecessary or contrary to the public interest. Omission of notice of proposed rulemaking for the rescission of § 128.21 is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, in this instance, impracticable, unnecessary and contrary to the public interest. As more fully explained as follows, on December 16, 1988, the owners of the St. Joe Resources Company requested a revision to Operating Permit No. 04-325-001A removing the alternative emission reduction limitations and adding the applicable requirements of § 123.22(d) (relating to combustion units).

This final-omitted rulemaking was adopted by order of the Board at its meeting of March 20, 2012.

A. Effective Date

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons and Information

For further information, contact Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (Keyword: Public Participation).

C. Statutory Authority

The final-omitted rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005). Section 5(a) of the APCA grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

D. Background of the Amendments

This final-omitted rulemaking rescinds § 128.21 which was published as a final-form rulemaking at 16 Pa.B. 521 (February 22, 1986). The regulation provided an alternative compliance option to the applicable SO₂ standards in § 123.22(d) for the St. Joe Resources Company (now doing business as Horsehead Industries, Inc.) facility located in Beaver County. The owner of the facility requested the alternative emission reduction limitations

in a 1982 Plan Approval application, which proposed emissions of SO₂ from the coal-fired boilers in excess of the emission limitation in § 123.22(d) and, in exchange, reduced SO₂ emissions from two other sources at the facility (the sinter machines and the roaster plant).

On October 5, 1987, the Department received notice of a change of ownership from St. Joe Resources Company to The New Jersey Zinc Company, a division of Horsehead Industries, Inc. The New Jersey Zinc Company is also known as Zinc Corporation of America and Horsehead Corporation. On December 16, 1988, Zinc Corporation of America requested a revision to Operating Permit No. 04-325-001A removing the alternative emission reduction limitations and adding the applicable requirements of § 123.22(d).

Horsehead Corporation's current Title V Operating Permit No. 04-00044 contains the requirements of § 123.22(d) for the coal-fired boilers and retains the reduced SO₂ emission limits for the sinter machines as required under § 127.441 (relating to operating permit terms and conditions). The roaster plant regulated under § 128.21 is no longer in operation. Continuous emissions monitoring system data indicate the boilers now meet the standards in § 123.22(d) due to a change to low sulfur fuel with lime injection and natural gas.

The alternative emission reduction limitations in § 128.21 are no longer necessary and the owners of the Horsehead facility also agree that the alternative SO₂ limits in § 128.21 should be rescinded. As a result, the omission of notice of proposed rulemaking procedure under section 204 of the CDL is appropriate because the notice of proposed rulemaking procedures under sections 201 and 202 of the CDL are unnecessary since the emission limits established under § 128.21 are no longer applicable to a source in the facility.

The final-omitted rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on June 23, 2011. The AQTAC voted 15-0-0 to concur with the Department's recommendation to forward the final-omitted rulemaking to the Board. The final-omitted rulemaking was discussed with the Citizens Advisory Council (CAC) Air Committee on October 19, 2011. The CAC Air Committee did not have concerns. On the recommendation of the Air Committee, on November 15, 2011, the CAC voted to concur with proceeding to the Board.

*E. Benefits, Costs and Compliance**Benefits*

The rescission of § 128.21 will reduce the regulatory burden on Horsehead Corporation, the current owners of the St. Joe Resources Company facility. The rescission of § 128.21 does not negatively affect the environmental air quality in this Commonwealth. The facility will continue to be subject to the applicable SO₂ standards in § 123.22(d).

Compliance Costs

This final-omitted rulemaking will not require additional costs for compliance since it does not change the current applicable standards for the affected facility.

Compliance Assistance Plan

Personnel at the Horsehead facility were contacted on June 8, 2011, to verify that the rescission of the alternative emission reduction limitations in § 128.21 is warranted. Horsehead personnel support the rescission of § 128.21. Therefore, this final-omitted rulemaking will not require a compliance assistance plan.

Paperwork Requirements

Additional paperwork will not be required as a result of this final-omitted rulemaking.

F. Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 21, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on June 20, 2012, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2012, and approved the final-omitted rulemaking.

G. Findings

The Board finds that:

(1) The amendment in Annex A is appropriate to rescind the alternative emission reduction limitations for the St. Joe Resources Company.

(2) Use of the final-omitted rulemaking procedure is appropriate because the notice of proposed rulemaking procedures in sections 201 and 202 of the CDL are, in this instance, impracticable, unnecessary and contrary to the public interest. Horsehead Corporation’s current Title V Operating Permit No. 04-00044 contains the requirements of § 123.22(d) for the coal-fired boilers and retains the reduced SO₂ emission limits for the sinter machines as required under § 127.441. The roaster plant regulated under § 128.21 is no longer in operation. Therefore, a public comment period is not recommended for the rescission of the alternative SO₂ emission reduction limitations for the St. Joe Resources Company.

(3) This final-omitted rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble and in the public interest.

H. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 128, are amended by deleting § 128.21 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

MICHAEL L. KRANCER,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4297 (July 7, 2012).)

Fiscal Note: 7-473. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 128. ALTERNATIVE EMISSION REDUCTION LIMITATIONS

SPECIFIC LIMITATIONS

§ 128.21. (Reserved).

[Pa.B. Doc. No. 12-1298. Filed for public inspection July 13, 2012, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 130]
Portable Fuel Containers**

The Environmental Quality Board (Board) amends Chapter 130 (relating to standards for products) to read as set forth in Annex A. The purpose of this final-omitted rulemaking is to rescind the portable fuel container requirements in Chapter 130, Subchapter A for the sale, supply, offer for sale and manufacture of portable fuel containers and spouts for sale and for use in this Commonwealth on or after January 1, 2003.

This final-omitted rulemaking rescinds §§ 130.101—130.108, which were approved as a final-form rulemaking by the Board on July 16, 2002, and published at 32 Pa.B. 4819 (October 5, 2002).

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if the agency for good cause finds that the notice of proposed rulemaking procedure is in the circumstances impracticable, unnecessary or contrary to the public interest. Omission of notice of proposed rulemaking for the rescission of §§ 130.101—130.108 is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, in this instance, impracticable, unnecessary and contrary to the public interest. As more fully explained as follows, the portable fuel containers regulations are superseded by more stringent Federal regulations, applicable Nationwide, that were promulgated at 72 FR 8428 (February 26, 2007). Sections 59.600—59.699 of 40 CFR (relating to control of evaporative emissions from new and in-use portable fuel containers) apply to portable fuel, diesel and kerosene containers and spouts manufactured in or imported into the United States beginning January 1, 2009.

This final-omitted rulemaking was adopted by order of the Board at its meeting of March 20, 2012.

A. *Effective Date*

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons and Information*

For further information, contact Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen M. Furlan, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (Keyword: Public Participation).

C. *Statutory Authority*

The final-omitted rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005). Section 5(a) of the APCA grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

D. *Background of the Amendments*

The portable fuel containers regulations were promulgated as a measure to reduce emissions of volatile organic compounds (VOC) in this Commonwealth and were part of the Commonwealth's specific action plan to attain and maintain the National Ambient Air Quality Standard for ground-level ozone in this Commonwealth. See 32 Pa.B. 4819. VOCs are a precursor to the formation of ground-level ozone. The regulations were approved as a State Implementation Plan revision by the United States Environmental Protection Agency (EPA) at 69 FR 70893 (December 8, 2004) and are codified at 40 CFR 52.2063(c)(229) (relating to original identification of plan section).

Emissions from portable fuel containers are primarily of three types: evaporative emissions from unsealed or open containers; permeation emissions from gasoline passing through the walls of the plastic containers; and evaporative emissions from gasoline spillage during use. To reduce these types of emissions, the Department's regulations specified the use in this Commonwealth of spill-proof systems (container and spout) that meet performance-based standards including: automatic shut-off and automatically closing and sealing spouts; only one opening for both filling and pouring; fuel flow rates and fill level limits; a permeation rate that does not exceed 0.4 gram per gallon per day; and a warranty by the manufacturer for at least 1 year against defects in material and workmanship. The Department's regulations also included test procedures for determining compliance with the standards.

Overall, the Federal standard is more stringent than the standards in §§ 130.101—130.108, while there are aspects of the Federal regulations that simplify compliance. Sections 59.600—59.699 of 40 CFR establish an emissions performance-based standard of 0.3 gram per gallon per day of hydrocarbons to control both evaporative and permeation losses for portable fuel containers manufactured in or imported into the United States beginning January 1, 2009, for use in the United States. This is

more stringent than the Commonwealth standard. The Federal regulations include a requirement for automatically closing containers but do not include the automatic shut-off requirements. According to the EPA, this is because the automatic shut-off spout designs frequently failed in use due to the wide variety of fill-hole designs of the receiving fuel tanks. This led to increased, rather than decreased, fuel spillage and VOC emissions. See 72 FR 8428, 8500. The Federal regulations do not require one opening for filling and pouring, fuel flow rates or fill level limits. The EPA specified an emissions performance standard rather than design standards to allow flexibility in container and spout design.

Like the Department's regulations, the Federal regulations require testing of containers for compliance with the standard, certification and labeling of compliant containers and that manufacturers provide the consumer with an emissions warranty of 1 year. While the Department's portable fuel containers regulations applied just to containers designed to hold gasoline, the Federal regulations specifically apply to gasoline, diesel and kerosene portable containers and spouts to preclude circumvention of the regulations by consumers.

The Department's regulations did not provide ozone air quality benefit for the Commonwealth since the Federal requirements are more stringent and apply to gasoline, diesel and kerosene containers and spouts manufactured, sold or distributed in this Commonwealth beginning January 1, 2009. The Commonwealth's clean air goals are benefitting from the improved containers that have been designed in response to the Federal regulations with which manufacturers and importers shall already comply.

The Department discussed the final-omitted rulemaking with the Air Quality Technical Advisory Committee (AQTAC) on June 23 and August 4, 2011. During the June meeting, members of AQTAC requested additional information regarding enforceability of the Federal regulations by Commonwealth enforcement staff. The Department provided this information at the August meeting, at which AQTAC voted 12-2-2 to concur with the Department's recommendation to move the final-omitted rulemaking forward to the Board. The AQTAC also voted 9-6-1 to recommend that the Department consider adopting the Federal regulations by reference. The Department consulted the Small Business Compliance Advisory Committee (SBCAC) on July 27, 2011. The members of the SBCAC did not have concerns. The final-omitted rulemaking was discussed with the Citizens Advisory Council (CAC) Air Committee on October 19, 2011. The CAC Air Committee did not have concerns. On the recommendation of the Air Committee, on November 15, 2011, the CAC voted to concur with proceeding to the Board.

E. *Benefits, Costs and Compliance*

Benefits

Rescission of the Department's portable fuel containers regulations will limit confusion among retailers, distributors, importers and manufacturers of portable fuel containers about which set of standards apply to containers manufactured, imported, offered for sale, sold or distributed in this Commonwealth. Rescission of the regulations, which required automatic shut-off spouts, could also benefit air and water systems in this Commonwealth. The automatic shut-off spouts have been found to lead to increased spills of fuel on the ground, which can leach into nearby groundwater aquifers and streams or evaporate.

Compliance Costs

This final-omitted rulemaking does not require additional costs for compliance since the regulated community is already required to comply with the Federal regulations.

Compliance Assistance Plan

This final-omitted rulemaking does not require a compliance assistance plan.

Paperwork Requirements

Additional paperwork is not required as a result of this final-omitted rulemaking.

F. Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on May 21, 2012, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on June 20, 2012, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2012, and approved the final-omitted rulemaking.

G. Findings

The Board finds that:

(1) The amendments as set forth in Annex A are appropriate to rescind the portable fuel containers regulations.

(2) Use of the final-omitted rulemaking procedure is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL is, in this instance, impracticable, unnecessary and contrary to the public interest. Chapter 130, Subchapter A has been superseded by more stringent Federal regulations.

(3) This final-omitted rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble and in the public interest.

H. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 130, are amended by deleting §§ 130.101—130.108 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

MICHAEL L. KRANCER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4297 (July 7, 2012).)

Fiscal Note: 7-472. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES
CHAPTER 130. STANDARDS FOR PRODUCTS
Subchapter A. (Reserved)

Sec. 130.101—130.108. (Reserved).

[Pa.B. Doc. No. 12-1299. Filed for public inspection July 13, 2012, 9:00 a.m.]

Title 40—LIQUOR

LIQUOR CONTROL BOARD
[40 PA. CODE CH. 11]

Limited Winery Container Size Restrictions

The Liquor Control Board (Board), under the authority of section 207(g) and (i) of the Liquor Code (code) (47 P.S. § 2-207(g) and (i)), amends Chapter 11 (relating to purchases and sales).

Summary

This final-omitted rulemaking deletes the container size restrictions imposed upon licensed limited wineries. Section 505.2 of the code (47 P.S. § 5-505.2) defines a "limited winery" as a winery which has an annual production of less than 200,000 gallons. Prior to this final-omitted rulemaking, under § 11.111(a)(3) (relating to sale by limited winery licensees), containers of wine sold by licensed limited wineries for delivery within this Commonwealth were not less than 3/16 liter nor more than 5 liters, except that sparkling grape wine could have been sold in glass containers larger than 5 liters. These size limitations did not apply to out-of-State sales conducted by licensed limited wineries.

The Board has been approached by industry members who would like to sell draught wine from limited wineries at their premises, which is becoming a popular trend in the retail marketplace. The regulation did not permit a limited winery to sell wine in larger keg containers which could be tapped by retail licensees and sold in draught form. This final-omitted rulemaking deletes container size restrictions applicable to licensed limited wineries thereby permitting limited wineries to sell wine in kegs and other containers larger than 5 liters. The minimum container size restriction is also being deleted, consistent with the Board's desire to allow limited wineries to sell in containers of any size, as the marketplace may demand.

Affected Parties

The final-omitted rulemaking will affect licensed limited wineries. There are 180 active limited wineries licensed by the Board, including 172 within this Commonwealth and 8 located outside of this Commonwealth. Potentially affected limited wineries have been or will be notified of this final-omitted rulemaking either by e-mail or by United States Postal Service mail.

Paperwork Requirements

The Board does not anticipate that this final-omitted rulemaking will affect the amount of paperwork or administrative costs of the regulated community.

Fiscal Impact

This final-omitted rulemaking is not expected to have adverse fiscal impact on the regulated community. In fact, this final-omitted rulemaking is expected to have a positive fiscal impact on licensed limited wineries and retail licensees who will be able to capitalize on a growing market trend. Further, selling wine in kegs may reduce the bottling and labeling costs of limited wineries, which may, in turn, result in overall cost-savings for those retail licensees buying kegs and for consumers who purchase wine at licensed establishments.

This final-omitted rulemaking is also not expected to have adverse fiscal impact on State and local governments. It should be noted that limited wineries may sell their products to the Board, retail licensees and the public. However, under section 305(i) of the code (47 P. S. § 3-305(i)) and § 11.104 (relating to wine in kegs), the Board is not authorized to sell wine in keg containers.

Effective Date

This final-omitted rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Further information is available by contacting Alan Kennedy-Shaffer, Assistant Counsel, or Christopher Herrington, Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on May 16, 2012, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Liquor Control Committees. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on June 20, 2012, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2012, and approved the final-omitted rulemaking.

Order

The Board, acting under the code, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 11, are amended by amending § 11.111 to read as set forth in Annex A.

(b) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JOSEPH E. BRION,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4297 (July 7, 2012).)

Fiscal Note: 54-71. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 40. LIQUOR****PART I. LIQUOR CONTROL BOARD****CHAPTER 11. PURCHASES AND SALES****Subchapter C. WINES****LIMITED WINERIES****§ 11.111. Sale by limited winery licensees.**

(a) A limited winery licensee, licensed under § 3.62 (relating to creation), may sell wines produced on the licensed premises in accordance with the Liquor Code and this part, under the conditions in this subsection.

(1) There may be no sales for consumption on the licensed premises.

(2) Wine sold under a limited winery license may be shipped by transporter-for-hire or in a vehicle properly registered with the Board, as provided in Chapter 9, Subchapter A (relating to transportation of liquor, malt or brewed beverages or alcohol).

(3) Wine sold and destined to points within this Commonwealth shall be in sealed original containers.

(4) Sales may be made generally only between the hours of 9 a.m. and 9 p.m. Monday to Saturday, inclusive, and 10 a.m. to 6 p.m. on Sunday. During the period from the Thanksgiving Day holiday through New Year's Day, limited winery sales locations may remain open until 10 p.m. of sales day to conform with the closing times of neighboring mall or shopping district businesses. Additionally, a limited winery may request approval from the Board to extend sales hours in individual locations at other times during the year, or beyond the limits set in this section. The request shall be in writing, to the Board's Office of the Chief Counsel, and shall detail the exact locations where sales hours are proposed to be extended. The licensee shall also set forth the proposed hours and dates of extended operation, as well as the reason for, and justification of, the proposed extended sales hours.

(5) While there may be no sales on credit, a limited winery may accept:

(i) From licensees and retail customers, checks drawn on their account.

(ii) From retail customers, credit cards issued by banking or financial institutions subject to State or Federal regulations.

(6) Visitors on the licensed premises may be provided without charge with samples of wine produced by the limited winery for tasting and with crackers, nuts, cheese, bread sticks and bread cubes to be used in conjunction with tastings.

(7) Limited winery licensees engaged in the retail and wholesale sales of wine are responsible to conform to the Liquor Code and this title.

(8) In addition to the sale of wines, the following items are permitted to be offered for sale on the licensed premises:

(i) Pennsylvania-grown fruits and the following products produced from the fruits:

- (A) Juices.
- (B) Juice concentrates.
- (C) Jellies, jams and preserves.

(ii) Pennsylvania-grown mushrooms.

(iii) Home winemaking equipment and supplies.

(iv) Wine serving and storage accessories as follows:

- (A) Cork removers.
- (B) Wine glasses and decanters.
- (C) Wine racks.
- (D) Serving baskets and buckets.
- (E) Bottle stoppers.

(v) Publications dealing with wine and winemaking.

(vi) Cheese, crackers, breads, nuts and preserved meats for consumption off the premises.

(vii) Gift packages consisting of any combination of the items listed in subparagraphs (i)—(vi).

(viii) Promotional items advertising the limited winery such as tee shirts, glassware, caps and the like.

(9) Sales on the licensed premises of merchandise not listed in paragraph (8) is subject to Board approval. The approval shall be requested by letter addressed to the Board. A limited winery licensee will be advised of approved items through an appropriate means of dissemination.

(10) A specific code of wine which is listed for sale as a stock item by the Board in State Liquor Stores may not be offered for sale at a licensed winery location at a price which is lower than that charged by the Board.

(11) Mail or telephone orders may be accepted. Delivery of products shall be accomplished through the use of vehicles properly registered by the limited winery licensees or through properly licensed transporters. It is the responsibility of the limited winery licensee to insure that wine is not delivered to minors and that proper invoices are maintained under § 5.103 (relating to limited wineries).

(b) The employment of an agent by a limited winery is governed by § 3.63 (relating to agents).

(c) Records, sales invoices and reports shall be kept as prescribed in § 5.103.

(d) The use of additional Board-approved locations by limited winery licensees is governed by § 3.64 (relating to additional Board-approved locations).

[Pa.B. Doc. No. 12-1300. Filed for public inspection July 13, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 225]

Prohibition of Excessive Overtime in Health Care Act Regulations

The Department of Labor of Industry (Department) proposes to add Chapter 225 (relating to prohibition of excessive overtime in health care) to read as set forth in Annex A under section 5 of the Prohibition of Excessive Overtime in Health Care Act (act) (43 P. S. § 932.5)

Statutory Authority

The Department is required to promulgate regulations to implement the act under section 5 of the act.

Background

The act prohibits health care facilities or employers that provide clinical care services from requiring its employees to work in excess of an agreed to, predetermined and regularly scheduled daily work shift. The act allows for mandating overtime for unforeseeable emergent circumstances and requires health care facilities or employers to use reasonable efforts to obtain staff before overtime may be mandated. The act prohibits retaliation against employees for refusing to work in excess of its limitation and provides for the Department to hold hearings, implement administrative fines and order corrective action for violations of the act. The Bureau of Labor Law Compliance (Bureau) has enforced the act since it took effect on July 1, 2009.

Regulatory Review and Promulgation

Since October 2008, the Department has met with numerous organizations whose members would be affected by the act and this proposed rulemaking. Additionally, on December 3, 2009, the Department held a public stakeholders meeting in which it provided information regarding the regulatory process and received testimony from stakeholders affected by the act and the regulations.

The following organizations presented testimony at the stakeholders meeting: Pennsylvania Association of Staff Nurses & Allied Professionals; Pennsylvania Advocacy and Resources for Autism and Intellectual Disabilities; The Hospital & Healthsystem Association of Pennsylvania; Service Employees International Union; and Bruce Ludwig.

The following groups provided written comments: Department of Public Welfare; Department of Corrections; Pennsylvania State Education Association; Department of Military and Veterans Affairs; the Pennsylvania Association of Staff Nurses & Allied Professionals; Pennsylvania Advocacy and Resources for Autism and Intellectual Disabilities; The Hospital & Healthsystem Association of Pennsylvania; Service Employees International Union; and Bruce Ludwig.

The Department reviewed this proposed rulemaking with the following Commonwealth agencies: Department of Public Welfare; Department of Corrections; Department of Military and Veterans Affairs; and Office of Administration.

Purpose

The proposed rulemaking is necessary to set forth the complaint and hearing process for alleged violations committed under the act.

Summary of Proposed Rulemaking

§ 225.1. Purpose and scope

This section states that the purpose of this chapter is to implement the act's complaint and investigation procedures and administrative penalties assessment provisions.

§ 225.2. Definitions

This section provides the following definitions necessary to interpret the act and the regulations: "act," "Bureau," "employer" and "Secretary." It also contains definitions for "employee" and "health care facility" from section 2 of the act (43 P. S. § 932.2).

§ 225.3. Complaint and investigation procedure

This section enumerates the complaint and investigation procedure for alleged violations of the act. Under this section, aggrieved employees may file a complaint with the Department within 60 days of the alleged violation of the act. The complaint must be in writing and signed. This section details the information which must be in the complaint and the procedure to correct an insufficient complaint. It also allows the Department to dismiss a complaint that does not comply with the requirements.

§ 225.4. Administrative penalties

This section enumerates the factors the Department will consider when imposing penalties under section 6 of the act (43 P. S. § 932.6), including the size of business, history of previous violations and good faith attempts by the health care facility or employer to address the violation at issue.

§ 225.5. Administrative notice of violation and proposed penalty

This section enumerates the notice of violation and penalty procedure. Under this section, the Bureau will issue an administrative decision containing findings and proposed penalties which will be served by first class mail upon the violating health care facility or employer. A health care facility or employer served with an administrative decision and proposed penalty may accept the notice and pay the penalty, request a reduction in penalty or contest the administrative decision and proposed penalty. The request for reduction in penalty must be made within 10 days of the mailing date of the administrative decision and propose an alternative penalty and set forth mitigating circumstances. The filing of a request for reduction does not toll or extend the 30-day period appeal period.

§ 225.6. Contesting an administrative decision and proposed penalty

This section enumerates the procedure to be used by a health care facility or employer to contest an adverse administrative decision. The health care facility or employer contesting the administrative decision must file a written request for a hearing with the Bureau within 30 days of the mailing date of the administrative decision. The Bureau will notify the complainant of a hearing request. The section provides that untimely request for a

hearing may be dismissed. A request for a hearing acts as a supersedeas of the administrative decision.

§ 225.7. *Hearing*

This section sets out the hearing process. The process begins with the Secretary assigning a hearing officer to schedule a de novo proceeding. The parties to the hearing are the Bureau and the health care facility or employer. The Bureau has the burden of proof that the health care facility violated the act and that the proposed penalty is appropriate.

§ 225.8. *Petition to intervene*

This section sets out the manner in which a third party may request to intervene in the hearing. A petition to intervene shall be filed with the hearing officer and the existing parties. The existing parties may file an answer to the petition.

§ 225.9. *Adjudications*

This section states that the Secretary will issue a written adjudication including relevant findings and the rationale for the adjudication. The adjudication will be served on all parties of record and include notification of appeal rights.

§ 225.10. *Appeal rights*

This section notifies parties that an appeal to the Secretary's adjudication may be filed to Commonwealth Court.

Affected Persons

Certain Commonwealth agencies, health care facilities and certain employees of those healthcare facilities and Commonwealth agencies as defined in section 2 of the act may be affected by this proposed rulemaking. The health care facilities and agencies affected include general or special hospitals, psychiatric hospitals, rehabilitation hospitals, hospices, ambulatory surgical facilities, long-term care nursing facilities, cancer treatment centers using radiation therapy on an ambulatory basis, inpatient drug and alcohol treatment facilities, facilities which provide clinically-related health services and are operated by the Department of Corrections, the Department of Health, the Department of Military and Veterans Affairs or the Department of Public Welfare, and mental retardation facilities operated by the Department of Public Welfare.

Employees affected are those who are involved in direct patient care activities or clinical care services and who receive an hourly wage or are classified as a nonsupervisory employee for collective bargaining purposes. Employees include individuals employed through a personnel agency that contracts with a health care facility to provide personnel.

These proposed regulations will affect the complaint and hearing process for alleged violations committed under the act.

Fiscal Impact

It is anticipated that there will be costs to the Department as a result of this proposed rulemaking. The Department cannot anticipate the costs of investigating and adjudicating alleged violations because there is not a basis for comparison for this activity. It is not expected that the levying of administrative fines will demonstrably offset costs. The Bureau has enforced the act since July 2009.

Paperwork Requirements

The Bureau has already prepared and posted information and complaint forms on the Department's web site at

www.dli.state.pa.us. The act does not contain recordkeeping requirement for employers.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. The Bureau will periodically monitor this proposed rulemaking and submit amendments as needed.

Effective Date

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

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Karen Galli, Deputy Chief Counsel, 651 Boas Street, 10th Floor, Harrisburg, PA 17120, fax (717) 783-5027, kgalli@pa.gov within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 26, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Labor and Industry Committees. A copy of this material is available to the public upon request.

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

JULIA K. HEARTHWAY,
Secretary

Fiscal Note: 12-91. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY
PART XII. BUREAU OF LABOR STANDARDS
CHAPTER 225. PROHIBITION OF EXCESSIVE
OVERTIME IN HEALTH CARE

| | |
|---------|---|
| Sec. | |
| 225.1. | Purpose and scope. |
| 225.2. | Definitions. |
| 225.3. | Complaint and investigation procedure. |
| 225.4. | Administrative penalties. |
| 225.5. | Administrative notice of violation and proposed penalty. |
| 225.6. | Contesting an administrative decision and proposed penalty. |
| 225.7. | Hearing. |
| 225.8. | Petition to intervene. |
| 225.9. | Adjudications. |
| 225.10. | Appeal rights. |

§ 225.1. Purpose and scope.

This chapter implements the complaint and investigation procedures in the act and the administrative penalties assessment provisions in the act.

§ 225.2. Definitions.

(a) Terms used in this chapter have the same meanings and are defined in the same manner as the act.

(b) In addition to the provisions of subsection (a), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Prohibition of Excessive Overtime in Health Care Act (43 P. S. §§ 932.1—932.6).

Bureau—The Bureau of Labor Law Compliance or its successor bureau within the Department assigned with enforcement of the act.

Employee—

(i) An individual employed by a health care facility or by the Commonwealth or a political subdivision or instrumentality of the Commonwealth who is involved in direct patient care activities or clinical care services and who receives an hourly wage or is classified as a nonsupervisory employee for collective bargaining purposes.

(ii) The term includes an individual employed through a personnel agency that contracts with a health care facility to provide personnel.

(iii) The term does not include a physician, physician assistant, dentist or worker involved in environmental services, clerical, maintenance, food service or other job classification not involved in direct patient care and clinical care services.

Employer—A health care facility as defined in section 2 of the act (43 P. S. § 932.2) or the Commonwealth, a political subdivision or an instrumentality of the Commonwealth engaged in direct patient care activities or clinically-related services.

Health care facility—

(i) A facility which provides clinically related health services, regardless of whether the operation is for profit or nonprofit and regardless of whether operation is by the private sector or by State or local government.

(ii) The term includes the following:

(A) A general or special hospital, a psychiatric hospital, a rehabilitation hospital, a hospice, an ambulatory surgical facility, a long-term care nursing facility, a cancer treatment center using radiation therapy on an ambulatory basis and an inpatient drug and alcohol treatment facility.

(B) A facility which provides clinically related health services and which is operated by the Department of Corrections, the Department of Health, the Department of Military and Veterans Affairs or the Department of Public Welfare.

(C) A mental retardation facility operated by the Department of Public Welfare.

(iii) The term does not include the following:

(A) An office used primarily for private or group practice by a health care practitioner.

(B) A facility providing treatment solely on the basis of prayer or spiritual means in accordance with the tenets of a church or a religious denomination.

(C) A facility conducted by a religious organization for the purpose of providing health care services exclusively to clergy or other individuals in a religious profession who are members of the religious denomination conducting the facility.

Secretary—The Secretary of the Department or the Secretary's designee.

§ 225.3. Complaint and investigation procedure.

(a) Upon receipt of a complaint or its own initiative, the Bureau will investigate alleged violations of the act.

(b) An aggrieved employee who believes there is a violation of this act against him by a health care facility may file a complaint, within 60 days of the violation, with the Department.

(c) The complaint must be in writing, signed and set forth the grounds for the complaint. A complaint must contain:

(1) The name and address of the complainant.

(2) The name and address of the employer against whom the complaint is filed.

(3) A statement of the facts forming the basis of the complaint or conclusion that there has been a violation of the act, including the date, time and place of the alleged violation.

(4) The name of witnesses.

(5) Other information that may be pertinent to an investigation.

(d) The Bureau will prepare complaint forms that will be available on the Department's web site at www.dli.state.pa.us.

(e) The Bureau will accept complaints that are not placed on the complaint form.

(f) The Bureau will record the date of receipt on a complaint. If a complaint does not provide the information required under subsection (c), the Bureau will advise the complainant in writing of the procedures necessary to comply with subsection (c) and allow the party 15 days from the date of the Bureau's letter to provide the required missing information. If the party fails to provide information fully conforming to the requirements of subsection (c), the Bureau may dismiss the complaint and will notify the complainant in writing of the dismissal.

§ 225.4. Administrative penalties.

(a) The Department may impose any of the following penalties under section 6 of the act (43 P. S. § 932.6):

(1) A fine of \$100 to \$1,000 per violation. A violation is comprised of each discrete time that a health care facility or employer does not comply with the act or this chapter.

(2) Order a health care facility or employer to take an action which the Department deems necessary to correct a violation of section 3 of the act (43 P. S. § 932.3) or this chapter. Actions ordered may include payment of restitution to employees, directives for compliance with the act such as changes to policy and procedures to insure future compliance and nonretaliation orders. An order must be based on the facts of each individual complaint and practices of the health care facility and employer.

(b) The Department may base administrative penalties on the following factors:

(1) Size of business. The Department will take into consideration the number of employees of the health care facility on the date the violation occurred.

(2) History of previous violations. The Department will take into consideration the number of assessed violations for the health care facility in a preceding 12-month

period. Only violations for which penalties were assessed and which are not subject to further appeal will be included.

(3) Good faith of health care facility or employer. The Department will take into consideration the health care facility's good faith attempts to abate the violation at issue in the complaint and any attempts the facility has made to abate future violations.

§ 225.5. Administrative notice of violation and proposed penalty.

(a) After the completion of an investigation on an alleged violation of the act and upon finding that the act has been violated, the Bureau will issue an administrative decision containing findings and proposed penalties.

(b) The Bureau will serve by first class mail upon the violating health care facility or employer a copy of its administrative decision and proposed penalty.

(c) A health care facility or employer served with an administrative decision and proposed penalty may accept the notice and pay the penalty, request a reduction in penalty or contest the administrative decision and proposed penalty under § 225.6 (relating to contesting an administrative decision and proposed penalty).

(d) A request for a reduction in the penalty shall be made in writing to the Bureau within 10 days of the mailing date of the administrative decision and propose an alternative penalty for the Bureau's consideration setting forth mitigating circumstances. The Bureau will expeditiously act on the request for reduction of the penalty within 10 days of receipt. The filing of a request for reduction does not toll or extend the 30-day period for requesting a hearing under § 225.6.

(e) After the completion of an investigation of alleged violations of the act and upon findings that the act has not been violated, the Bureau will provide written notice to the complainant and the health care facility or employer that the investigation has been closed.

§ 225.6. Contesting an administrative decision and proposed penalty.

(a) A health care facility or employer may contest an adverse administrative decision by requesting a hearing.

(b) The health care facility or employer contesting the administrative decision shall file an original and two copies of a written request for a hearing with the Bureau within 30 days of the mailing date of the administrative decision. The hearing request shall be mailed to the Bureau at the address listed on the administrative decision.

(c) The Bureau will notify the complainant of any request made for hearing under this section.

(d) An untimely request for a hearing may be dismissed without further action by the Bureau.

(e) Filing of a request for a hearing shall act as a supersedeas of the administrative decision on the violation and proposed penalties.

§ 225.7. Hearing.

(a) The Secretary will assign the request for a hearing to a hearing officer who will schedule a de novo proceeding. The parties will receive reasonable notice of the hearing date, time and place.

(b) The hearing will be conducted in a manner to provide parties the opportunity to be heard. The hearing officer will not be bound by strict rules of evidence.

Relevant evidence of reasonably probative value may be received into evidence. Reasonable examination and cross-examination of witnesses will be permitted.

(c) The parties may be represented by legal counsel, but legal representation at the hearing is not required.

(d) Testimony will be recorded and a full record kept of the proceeding.

(e) The parties will be provided the opportunity to submit briefs addressing issues raised at the hearing.

(f) The Bureau and the health care facility or employer will be the parties at the hearing.

(g) The Bureau will have the burden of proving by a preponderance of the evidence that the health care facility violated the act and that the proposed penalty is appropriate under the factors in § 225.4(b) (relating to administrative penalties).

(h) To the extent not covered by this chapter, hearings will be governed by 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

§ 225.8. Petition to intervene.

(a) The Bureau and the health care facility or employer will be the parties at the hearing.

(b) A person other than the Bureau and the health care facility or employer may request to intervene in a hearing under the following conditions:

(1) He can demonstrate any of the following:

(i) A right conferred by law.

(ii) An interest which may be so directly affected that it may be bound by the Department's action and its interest is not adequately represented by existing parties in the hearing.

(2) The party files a petition to intervene with the presiding officer and the existing parties in the hearing under 1 Pa. Code § 35.29 (relating to form and contents of petitions to intervene) no later than 30 days before the scheduled hearing unless the party shows good cause and there is no prejudice to the existing parties from the late filing. Existing parties may file an answer under 1 Pa. Code § 35.36 (relating to answers to petitions to intervene) within 20 days or other time set by the presiding officer.

(c) As soon as possible after the time set for filing of answers, the hearing officer will rule on the petition and may grant or deny intervention in whole or in part or may limit the intervenor's participation in the hearing. The hearing officer may tentatively grant intervention before the hearing only to avoid detriment to the public interest and if the hearing officer issues a final ruling on intervention before the hearing begins.

(d) A hearing officer will not grant a petition to intervene during a hearing unless good cause is shown for the late filing, the parties have the opportunity to respond or object and the petition complies with this section.

§ 225.9. Adjudications.

(a) The Secretary will issue a written adjudication. The adjudication will include relevant findings and conclusions and the rationale for the adjudication.

(b) The adjudication will include a notification to the parties of appeal rights to Commonwealth Court.

(c) The adjudication will be served upon all parties, intervenors and counsel of record.

§ 225.10. Appeal rights.

A party aggrieved by an adjudication rendered under § 225.9 (relating to adjudications) may file an appeal to Commonwealth Court within 30 days from mailing of the decision as prescribed by law or rule of court.

[Pa.B. Doc. No. 12-1301. Filed for public inspection July 13, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 115]

Boating; Boats Carrying Passengers for Hire

The Fish and Boat Commission (Commission) proposes to amend Chapter 115 (relating to boats carrying passengers for hire). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments modify and update the Commission's boating regulations.

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2013.

B. Contact Person

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

C. Statutory Authority

The proposed amendments to Chapter 115 are published under the statutory authority of section 5123(a)(1) of the code (relating to general boating regulations) and deemed necessary for the health and safety of passengers, operators and persons on, in or towed by boats on, in or along the waters of this Commonwealth.

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. On February 9, 2012, the Commission's Boating Advisory Board considered the proposal and recommended that the Commission approve the publication of this proposed rulemaking.

E. Summary of Proposal

The current regulations in Chapter 115 regarding the operation of boats carrying passengers for hire were adopted in 1994. With the exception of some minor procedural amendments in 1999 and 2003, significant changes have not been made to the regulations in the past 18 years. During this period, boat accidents involving passenger for hire vessels have occurred in other states, most notably the capsizing of the tour boat *Ethan Allen* on Lake George, New York in 2005, which prompted Commission staff to re-examine the Commission's current regulations. In July 2011, a workgroup consisting of Commission staff, a passenger for hire business owner and vessel operator met to discuss proposed amendments to the regulations.

The most significant proposed change to the current regulations involves a requirement that the passenger capacity of vessels in the program be determined through United States Coast Guard-approved stability testing. The current passenger for hire fleet in this Commonwealth numbers 18 vessels owned and operated by 13 businesses. The vessels are tour boats and range in size from 18 to 75 feet. Most are pontoon boats with the exception of four larger vessels operated on Lake Raystown and Conneaut Lake. Under the current regulations, only boats carrying more than 49 passengers or having more than 1 passenger carrying deck are required to undergo stability testing. In all other cases, passenger capacity is determined by means of manufacturer supplied capacity plates. In the *Ethan Allen* accident, the vessel was initially rated for 50 passengers but had been modified with the addition of a solid canopy and other superstructure. On the day of the accident, the *Ethan Allen* carried 47 passengers plus the operator and capsized after striking the wake of another vessel during a turn. Twenty passengers died as a result of the accident. The National Transportation Safety Board concluded that had the vessel undergone appropriate stability testing after modification, it would have been certified for only 14 passengers. Members of the workgroup agreed that requiring stability testing on passenger for hire boats is the most appropriate method to address concerns regarding capacity and loading. A marine surveyor who currently inspects 6 of the 18 boats in the program advised staff that with the assistance of the boat owner stability testing can be performed on boats in the program without excessive cost. After obtaining an initial test, boats will not be required to have a new stability test unless modified or involved in an accident.

Other proposed amendments to Chapter 115 include the following:

- Increasing the required amount of liability insurance to reflect more realistic damage and personal injury estimates in case of an accident.
- A housekeeping change to indicate that passenger for hire vessels are now a Bureau of Law Enforcement program area.
- Requiring passenger for hire vessel operators and crew members to maintain certification in CPR and basic first aid. These certifications are currently required for holders of fishing guide/charter boat permits.
- Requiring that the initial physical examination include a standard drug screen. This requirement is being proposed at the suggestion of two vessel owners.
- Eliminating the requirement that licensed operators disclose changes in their physical condition when applying for renewal of their license and instead requiring that operators obtain a new physical examination with each renewal of their license.
- Removing the requirement that the vessel operator license, currently an 8 1/2" x 11" paper certificate, be displayed on the boat next to the certificate of inspection in favor of the issuance of a wallet sized identification card that the operator will be required to carry and display while in operation of the boat.
- Adding language indicating that operator licenses are good on water under the jurisdiction of the Commonwealth for vessels up to and including the size listed on the license and thereby clarifying the intent that operators may work on any passenger for hire vessel certified by the Commission and are not limited to one employer.

- Eliminating the requirement that the Commission maintain an approved list of marine surveyors in favor of a requirement that marine surveys be conducted by individuals accredited through one of the National marine surveyors associations.

- Adding language indicating that individuals with United States Coast Guard certification appropriate to the size and type of boat they intend to operate in the Commission’s program will be able to obtain a waiver of the state licensing requirements upon presentation of their Coast Guard credentials and certification in CPR and first aid.

The Commission proposes that Chapter 115 be amended to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose increased costs on the private sector for marine surveys and stability tests. The proposed rulemaking will increase the frequency of dry dock examinations from once every 6 years to once every 3 years. Examinations are estimated to cost between \$500 and \$800 depending upon the boat. Stability testing will be a one-time expense unless the boat is modified or involved in an accident. Testing is estimated to cost between \$600 and \$1,500 for most boats. Testing for boats with hulls 65 feet or longer or unusual hull designs may range from \$3,500 to \$10,000. The proposed rulemaking will not impose new costs on the general public.

H. Public Comments

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

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-235. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.1. Purpose.

This chapter establishes regulations for boats carrying passengers for hire [**to protect the health and safety of the passengers and operators**]. The regulations

in this chapter are promulgated under section 5123(a)(1) of the code (relating to general boating regulations) and deemed necessary for the health and safety of passengers, operators and persons on, in or towed by boats on, in or along the waters of this Commonwealth. The definition “passenger-carrying boat” as set forth [**at**] in section 102 of the code (relating to definitions) applies to this chapter and to the term “boats carrying passengers for hire.”

§ 115.2. Initial certification.

* * * * *

(b) An applicant shall submit the following documentation in addition to the application form:

(1) *Form PFBC-291c*. A Form PFBC-291c, Vessel Characteristic Report, has two parts. Part A is to be completed and signed by the owner. Part B is to be completed by a qualified [**licensed**] **accredited** marine surveyor [**, approved by the Commission,**] who conducted the inspection within 6 months preceding the date of the application. The inspection report shall include a statement by the marine surveyor as to whether or not the boat is suitable for the use intended, or if not suitable, the requirements necessary to bring about compliance. The report shall also include the opinion of the marine surveyor as to the total number of persons who may be carried on the boat. [**If the boat is to carry more than 49 passengers or have more than one passenger carrying deck, this opinion shall be based on the performance of the boat in an incline experiment. This does not waive the requirement for an incline experiment for other boats if the marine surveyor determines a need for one because of other design conditions.**] The opinion of the marine surveyor shall be based on a United States Coast Guard-approved stability test suitable for the type and size of boat.

(2) *Proof of financial responsibility*. An [**owner of a boat carrying passengers for hire**] applicant shall furnish the Commission proof of financial responsibility. The proof shall evidence the [**licensee’s**] **applicant’s** ability to respond in damages on account of accidents arising out of the maintenance or use of the passenger carrying boat. The minimum amount of coverage shall be [**\$250,000**] **\$500,000** because of injury or death to one person in an accident and [**\$500,000**] **\$1,000,000** because of injury or death to two or more persons in an accident and [**\$10,000**] **\$25,000** because of damage to property of others in an accident. Proof of financial responsibility shall be in a form acceptable to the Commission and shall provide for notice to the Commission in the event of cancellation of liability insurance.

§ 115.3. Recertification.

(a) A boat carrying passengers for hire shall have reinspections and recertifications as follows:

(1) [**A boat with a wooden formed hull. Inspection and dry dock examination by a qualified marine surveyor, approved by the Commission, at least once every 3 years.**

(2) *Other boats*. In-water inspection at least once every 3 years and dry dock examination at least once every 6 years both to be conducted by a qualified marine surveyor approved by the Commission.] An in-water inspection and dry dock

examination shall be conducted by a qualified accredited marine surveyor at least once every 3 years.

(2) A stability test shall be conducted by a naval architect or other qualified individual to maintain certification for passenger carrying boats certified as of January 1, 2013. The stability test shall be United States Coast Guard-approved, suitable for the type and size of boat and utilize the current Assumed Average Weight per Person standard adopted by the United States Coast Guard. Results of the stability test shall be forwarded to the Commission prior to the first commercial use of the boat in 2013. The Commission will accept results of a stability test conducted after December 1, 2011, if the boat was not involved in an accident or was not structurally modified since the stability testing.

(3) A new stability test shall be conducted whenever a boat has been involved in an accident or has been structurally modified.

* * * * *

§ 115.4. Annual safety inspections.

(a) Annual safety inspections are required every year after the year of initial certification. When the vessel is ready for inspection, the owner shall apply for an annual safety inspection [in writing] by electronic mail or telephone to the regional law enforcement office for the region in which the boat is to operate. The application shall be submitted at least 30 days prior to the requested date of inspection. This annual inspection shall be conducted prior to the first commercial use of the boat or within 30 days of the date of issue on the certificate of inspection if the boat operates year round.

* * * * *

§ 115.5. Certification of inspection.

* * * * *

(c) Validation of certificates. The certificate of inspection will be valid with the original signatures of the Director, Bureau of [Boating] Law Enforcement or a designee, the inspecting officer and the owner.

(d) Compliance. It is unlawful to operate a boat carrying passengers for hire if the boat is not in compliance with the certificate of inspection. [Compliance with subsection (b)(10)—(13) and (16) is deemed necessary for the health and safety of passengers and operators as set forth at section 5123(a)(1) of the code (relating to general boating regulations).]

§ 115.7. [Approved] Accredited marine surveyors.

[The Commission will maintain a list of approved qualified marine surveyors. A marine surveyor may request approval by the Commission by submitting a letter listing education, licenses, registration, accreditation and other pertinent information which will attest to qualifications as a marine surveyor. Upon approval, the Commission will notify the surveyor that their name has been added to the list.] For purposes of this chapter, an accredited marine surveyor is a surveyor who has been accredited by one of the National marine surveyors associations.

§ 115.8. Personnel requirements of passenger carrying boats.

* * * * *

(c) To qualify as a crew member, an individual shall meet the following conditions. The individual shall:

* * * * *

(3) Possess a valid Boating Safety Education Certificate.

(4) Possess and maintain current certification in basic CPR and basic first aid skills. Crew members shall present proof of CPR or first aid certification upon request of the Commission.

§ 115.9. Licenses for operators.

(a) Eligibility. Persons, 18 years of age and older, [of good character and] in good physical condition and who possess a valid Boating Safety Education Certificate are eligible for licensing as operators of passenger-carrying boats.

(b) Physical examination. The physical condition of an applicant for an operator's license shall be certified by a physician after a physical examination. The physician's certification shall include a statement attesting [to unimpaired color sense of the applicant] that the applicant displays normal color vision. [The] This requirement [of unimpaired color sense] may be waived if the operation of vessels for which the license is sought will be limited to daylight hours. [Licensees shall notify the Commission of changes in physical condition that may affect their ability to operate a boat carrying passengers for hire.] The physician's certification must include a statement that the applicant was subject to and passed a standard drug screen as part of the physical examination.

(c) Application. An application for a boat operator's license shall be made on the form provided by the Commission. The completed form shall be submitted with the applicable fee as listed in section [5104(b)] 5104(a)(6) of the code (relating to fees).

(d) Examination. [Persons applying for a license to operate a boat carrying passengers for hire] An applicant for a boat operator's license shall pass a professional examination to demonstrate sufficient experience and capabilities to assume the responsibilities for operation of a passenger-carrying boat. Examination will include oral questions and a practical test of boating skills using the boat—or a boat of identical size and type—for which an operator's license is being requested. If the applicant does not pass the oral examination or the practical test, 30 days is required prior to taking a retest. A request for the retest shall be submitted on Form PFBC-292.

(e) CPR and first aid. An applicant for a boat operator's license shall possess current certification in basic CPR and basic first aid skills. A licensed boat operator shall maintain current certifications in these areas and present proof of CPR and first aid certification upon request of the Commission.

(f) Contents and display of boat operator's license. The operator's [certificate] license shall contain a photograph of the licensee[, approximately 2 inches by 2 inches in dimension]. In addition, it will list the name and the limitations on the operator with respect to size of vessel authorized to operate[,] and day or night restrictions [and area or body of water in which authorized to operate]. Licenses issued under this sec-

tion are valid on any water under the sole jurisdiction of the Commonwealth for boats up to and including the size listed on the license. The Commission will validate the operator's [certificate] license. [The operator shall display the operator's certificate alongside the certificate of inspection required by § 115.3 (relating to recertification) onboard the boat. It is unlawful to fail to display the validated operator's certificate as provided in this section.] The operator shall carry and display the license while in actual operation of a passenger carrying boat and produce the license upon request of the Commission.

[(f)] (g) *Expiration.* [Operator certificates] Licenses issued under this section will expire on December 31, 5 years from the date of issuance.

(h) *Waiver.* The Commission will waive the licensing requirement of this section for an individual possessing a current valid United States Coast Guard certification appropriate for the size and type of boat he intends to operate upon presentation of proof of his Coast Guard Merchant Mariner Credential or other Coast Guard certification and proof of certification in basic CPR and first aid.

§ 115.10. Renewal of operator's license.

* * * * *

(b) Applicants for renewal of licenses shall [disclose changes in their physical condition or operational capabilities that might affect their ability to operate a boat carrying passengers for hire] undergo a new physical examination and submit a new physician's certification as described in § 115.9(b) (relating to licenses for operators).

(c) If there are no changes to the limitations imposed by the original license, a practical [or written] examination is not required. An oral examination may be required if there have been significant changes to regulations concerning safe operation of boats, carriage requirements for safety equipment or carrying passengers for hire.

(d) A licensed operator who does not renew a license as required by subsection (a) shall reapply in accordance with § 115.9 [(relating to licenses for operators)].

§ 115.12. Applicability of other regulations.

The boats governed by this chapter shall comply with this subpart with regard to registration, equipment, accident reporting and operation. Also see Chapters 93, 95, 97, 101, 103, 105 and 107.

[Pa.B. Doc. No. 12-1302. Filed for public inspection July 13, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective June 28, 2012.

The organization chart at 42 Pa.B. 4477 (July 14, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 12-1303. Filed for public inspection July 13, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Historical and Museum Commission

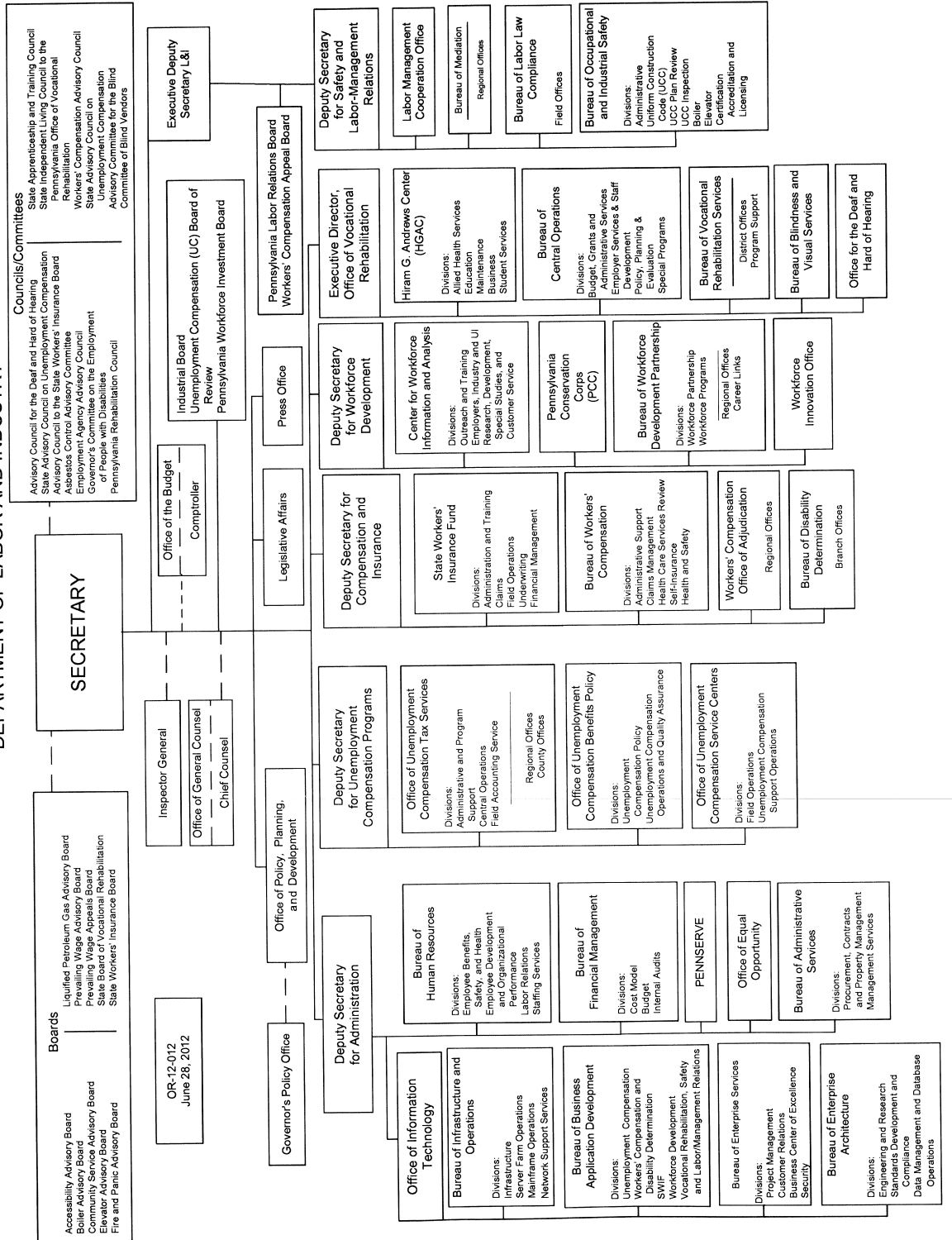
The Executive Board approved a reorganization of the Historical and Museum Commission effective June 28, 2012.

The organization chart at 42 Pa.B. 4478 (July 14, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

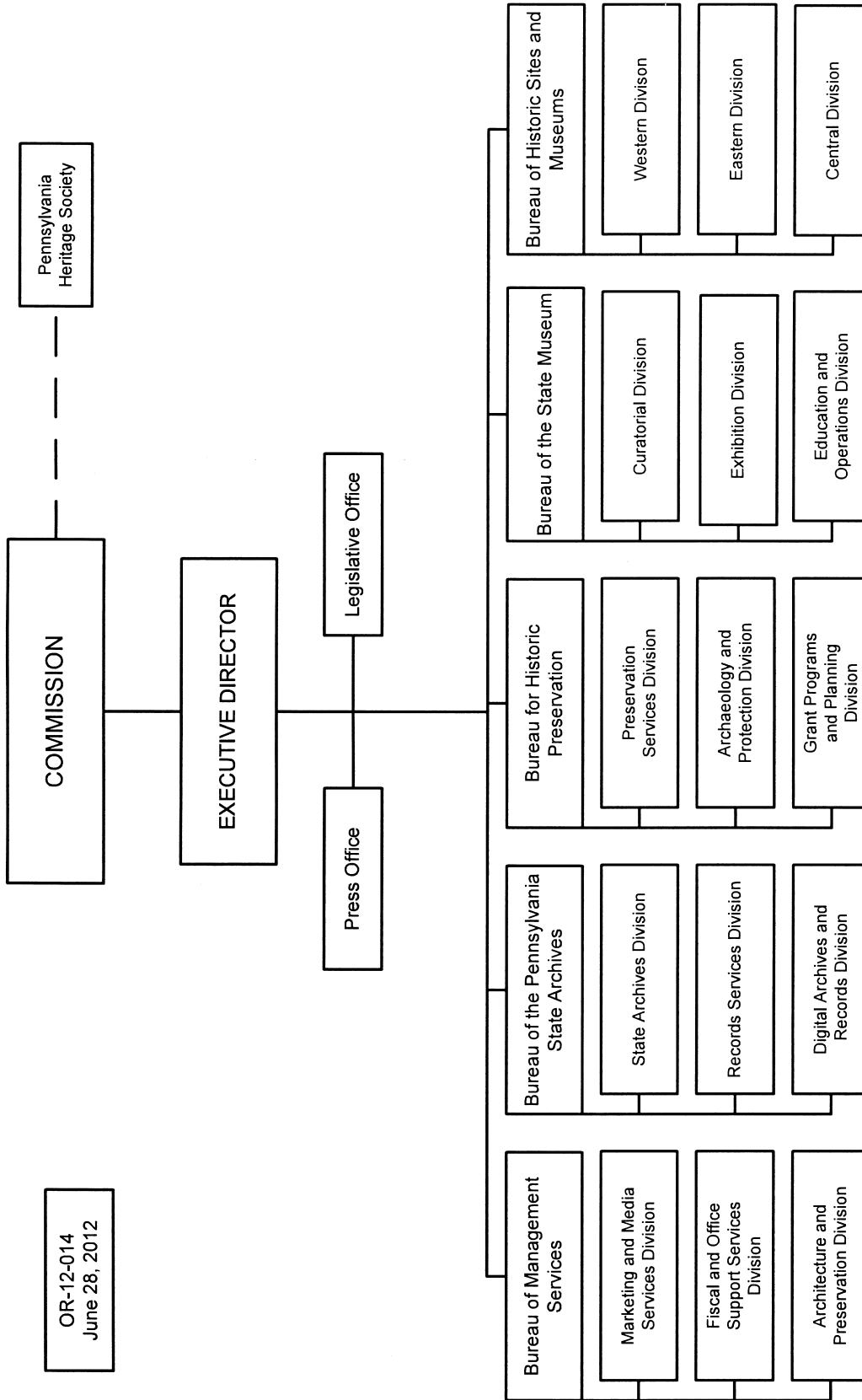
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania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

[Pa.B. Doc. No. 12-1304. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY



HISTORICAL AND MUSEUM COMMISSION



OR-12-014
June 28, 2012

NOTICES

DELAWARE RIVER BASIN COMMISSION DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Comment Period and Joint Public Hearing Concerning Proposed Delaware River Basin Commission Draft Docket and Department of Environmental Protection Draft NPDES Permit for Exelon Generation Company, LLC, Limerick Generating Station

Summary

The Delaware River Basin Commission (Commission) and the Department of Environmental Protection (Department) are accepting comments on the proposed approvals related to applications filed with each agency by Exelon Generation Company, LLC (Exelon Generation) for its Limerick Generating Station (LGS) located in Montgomery County. The Commission will accept written comments on its draft doc. D-1969-210 CP-13 through 5 p.m. on October 27, 2012. The Department will accept written comments regarding its proposed National Pollutant Discharge Elimination System (NPDES) Permit No. PA0051926 for the LGS facility until 5 p.m. on October 27, 2012. The agencies will hold a joint public hearing on August 28, 2012, (details as follows) on the proposed agency actions.

LGS is located on a 491-acre site adjoining the east bank of the Schuylkill River, almost entirely within Limerick Township, Montgomery County, but with a small area extending into Lower Pottsgrove Township, Montgomery County. The site is about 1.7 miles south of the Borough of Pottstown. The LGS property includes 154 acres adjoining the west bank of the Schuylkill River in East Coventry Township, Chester County; however, no plant features of LGS are situated in this area. LGS is a nuclear power plant with two generating units, each having a maximum Reactor Thermal Power of 3,515 megawatts, with circulating cooling water for the steam turbine condensers furnished from cooling towers and surface waters. Noncontact cooling water and boiler blowdown are discharged to the Schuylkill River adjacent to the LGS facility.

The Commission's draft docket sets forth the terms and conditions of the Commission's proposed approval for both water withdrawals and discharges associated with the LGS facility. It would authorize surface water withdrawals from the Schuylkill River or Perkiomen Creek, or both, including an increase in the peak daily withdrawal from the Schuylkill River from 56.2 million gallons (mg) to 58.2 mg (44 mg consumptive plus 14.2 mg nonconsumptive) and restricts the maximum monthly withdrawal to 1.7422 billion gallons. The draft docket also approves Exelon Generation's use of water from Tamaqua Area Water Authority, Wadesville Mine Pool and the Delaware Diversion (by means of Forest Park Water Authority and Exelon Generation's Bradshaw Reservoir) to augment the proposed withdrawals. The draft docket

would approve the discharge of noncontact cooling water and boiler blowdown to the Schuylkill River.

The proposed NPDES permit would renew the Department's approval for the continued discharge by LGS of cooling tower blowdown, treated process wastewater and stormwater to the Schuylkill River and Possum Hollow Run through various outfalls.

Dates

The public hearing will take place on Tuesday, August 28, 2012, from 6 p.m. until 9 p.m. and will be preceded by an information session, running from 4:30 p.m. until 5:30 p.m. Written comments will be accepted until 5 p.m. on October 27, 2012.

Addresses

The hearing and information session will take place in the Sunny Brook Ballroom, 50 Sunny Brook Road, Pottstown, PA 19464.

Written comments must be addressed separately to each agency. Written comments to the Commission may be submitted at the hearing and may also be sent to Paula.Schmitt@drbc.state.nj.us or in hard copy to the attention of the Commission Secretary, DRBC, either by fax to (609) 883-9522 or to P. O. Box 7360, West Trenton, NJ 08628-0360; or delivery service to 25 State Police Drive, West Trenton, NJ 08628-0360 until 5 p.m., October 27, 2012. Regardless of the method of submission, comments should include the name, affiliation (if any) and address of the commenter and the subject line, "Public Comment—Exelon LGS Docket."

Written comments to the Department may be submitted at the hearing and may also be sent to jfields@pa.gov or in hard copy to the attention of Jenifer Fields, either by fax to (484) 250-5971 or to Department of Environmental Protection, Southeast Regional Office, Water Management, 2 East Main Street, Norristown, PA 19401.

For Further Information Contact

Questions that are not addressed in the "Supplementary Information" section of this notice regarding the Commission draft docket may be directed to Paula Schmitt at (609) 477-7224 or Katharine O'Hara at (609) 477-7205.

Regarding the draft NPDES permit, contact Sohan Garg at (484) 250-5197 or Pravin Patel at (484) 250-5194.

Supplementary Information

Draft Approvals and Related Documents. The complete text of the Commission draft Doc. No. D-1969-210 CP-13 can be viewed on the Commission's web site at ww.drbc.net or by appointment at the Commission's West Trenton office (see previously listed address).

The NPDES permit renewal application, draft permit No. PA0051926 and related documents can be reviewed by appointment with the Department, Record Management Section at (484) 250-5910. These documents are also available at Limerick Township (Montgomery County), 646 West Ridge Pike, Limerick, PA 19468 or East Coventry Township (Chester County), 855 Ellis Woods Road, Pottstown, PA 19465.

Hearing Procedure. To give everyone who wishes to testify an opportunity to do so, the following procedures will be in effect:

• *Registration to testify.* Individuals who wish to speak at the hearing will be asked to complete separate, pre-numbered Commission/Department commenter cards as appropriate and will be summoned to the microphone in the order that their card number is called. Registrations to present oral testimony will begin at approximately 4:30 p.m. on the day of the hearing and will continue until the hearing is closed. There will be no advance registration.

• *Time allowances.* To allow everyone who wishes to speak an opportunity to do so, individuals will be allotted no more than 3 minutes each. Speakers will not be permitted to cede their time to others; however, after everyone who desires to speak has had a chance to do so, the hearing officer may accept requests from those who wish to supplement their earlier remarks. The hearing will conclude no later than 9 p.m. Individuals who have prepared lengthy written testimony are asked to summarize their comments during the 3-minute period and to submit their complete written comments either at the public hearing or in accordance with the "Addresses" previous section, before 5 p.m. on October 27, 2012.

• *Stenographic record.* A court stenographer will be present during the public hearing to capture verbal comments for the public record.

• *Other.* The sole purpose of the hearing on August 28, 2012, is to provide members of the public with an opportunity for oral testimony on the proposed Exelon Generation Company, LLC, Limerick Generating Station and Surface Water Augmentation approvals. The Department and the Commission will not respond to comments or conduct any other business during this hearing. The Commission will not accept oral testimony on its draft Exelon LGS docket at any other time, including at the Commission's regularly scheduled public meetings in September and December.

Project Description. A detailed description of the project is included in each of the two draft approvals.

Briefly, the proposed Commission docket would:

1. Provide long-term authorization for water withdrawal and discharge operations based upon experience gained from the LGS Water Supply Modification Demonstration Project and the Wadesville Mine Pool Withdrawal and Streamflow Augmentation Demonstration Project.

2. Consolidate within a single docket all conditions relating to the surface water withdrawals required to meet consumptive and nonconsumptive needs at LGS, and the facility's surface water discharge to the Schuylkill River of up to 14.2 million gallons per day of blowdown. Until this time, Commission water withdrawal and discharge conditions had been included in multiple dockets.

3. Approve an increase in the maximum daily withdrawal from the Schuylkill River by LGS from 56.2 mg to 58.2 mg (44 mg consumptive plus 14.2 mg non-consumptive) and establish a maximum monthly withdrawal of 1.7422 billion gallons. The project water withdrawals are located in the Schuylkill and Delaware River watersheds. The water withdrawals primarily will be made from the Schuylkill River but also will be drawn from the Wadesville Mine Pool and the Borough of Tamaqua Water Authority's Still Creek Reservoir (by means of releases to the Schuylkill from these impoundments) and the Perkiomen Creek. Water withdrawn from the Perkiomen Creek is augmented by a withdrawal from the Delaware River conveyed by means of the Point Pleasant Pumping Station and Bradshaw Reservoir.

4. Eliminate the current restriction on withdrawals from the Schuylkill River when ambient water temperatures reach 59° F; reduce from 4 days to 3 the travel time required for water from some augmentation sources to reach LGS intakes; modify river and stream monitoring requirements; and continue the Restoration and Monitoring Fund.

The proposed NPDES permit would renew approval for the continued discharge by LGS of cooling tower blowdown, treated process wastewater and stormwater to the Schuylkill River and Possum Hollow Run through various outfalls.

Additional public records of the Commission relating to the draft docket are available for review consistent with Article 8 of the Commission's Rules of Practice and Procedure (RPP) governing public access to records and information. The Commission's RPP are also available on the Commission's web site, www.drbc.net.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission and Department can accommodate their needs.

PAMELA M. BUSH,
Commission Secretary
Delaware River Basin Commission

MICHAEL L. KRANCER,
Secretary
Department of Environmental Protection

[Pa.B. Doc. No. 12-1305. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Interstate/International Quarantine Order; Avian Influenza

Recitals.

A. Avian influenza is an infectious disease of poultry.

B. Avian influenza is designated a "dangerous transmissible disease" of animals under the provisions of the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389), at 3 Pa.C.S.A. § 2321(d).

C. The Pennsylvania Department of Agriculture (PDA) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases.

D. Avian influenza has caused significant loss in the past to the Pennsylvania poultry industry.

E. Avian influenza is of particular concern to the entire Pennsylvania poultry industry and may severely limit the market for Pennsylvania product.

F. Avian influenza sub-types H5 and H7 are of particular concern due to their potential for developing into a virulent (highly pathogenic) form of disease.

G. Avian influenza exists, or is suspected to exist, outside this Commonwealth.

H. The Domestic Animal Law allows (at 3 Pa.C.S.A. § 2329(c)) for the establishment of an Interstate/International Quarantine under the circumstances described above.

I. Pursuant to that authority, PDA issued its initial Interstate/International Quarantine Order addressing avian influenza on January 24, 2006. In the course of implementing and administering this initial Order, PDA determined the need to refine the conditions of quarantine; and issued a February 7, 2008 and a revised March 16, 2009 Interstate/International Quarantine Order to supplant and rescind its initial Order.

J. PDA has again determined the need to refine the conditions of quarantine. Specifically, PDA seeks to further clarify the testing requirements applicable to poultry flocks.

Order.

PDA enters an Interstate/International Quarantine Order, incorporating the foregoing recitals. This order is entered under authority of the Domestic Animal Law (at 3 Pa.C.S.A. § 2329) and § 1702 of the Administrative Code of 1929 (71 P. S. § 442), and establishes the following quarantine restrictions with respect to the shipment of live poultry into the Commonwealth of Pennsylvania:

1. For purposes of this Order, the term "poultry" includes all domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, except doves and pigeons, or as otherwise defined under subpart A of the current version of the National Poultry Improvement Plan (NPIP) and Auxiliary Provisions, and shall be 3 weeks of age or older.

2. Poultry shall only be allowed into the Commonwealth under any of the following circumstances:

a. The poultry originate from a flock that participates in the current version of the National Poultry Improvement Plan and Auxiliary Provisions "U.S. Avian Influenza Clean" or "U.S. H5/H7 Avian Influenza Clean" program and the shipment is accompanied by a USDA form 9-3 or other approved NPIP form; or

b. The poultry originate from a flock in which a minimum of thirty (30) birds, three (3) weeks of age or older, were tested negative for avian influenza (serology, virus isolation, or real-time reverse-transcriptase polymerase chain reaction (RRT-PCR)). The date of sample collection must be within thirty (30) days of entry into Pennsylvania and the shipment must be accompanied by the test report. If there are fewer than 30 birds in the flock, all birds must be tested (RRT-PCR, virus isolation, or serology). For waterfowl, virus detection testing (cloacal swabs) is required for entry. RRT-PCR testing is accepted for domestic ducks-virus isolation testing must be used for other waterfowl. No untested

birds shall have been added to the flock after sample collection and before entry into Pennsylvania.

c. If a flock is serologically positive, poultry from that flock may be imported only if the flock is determined to be free of virus by virtue of a negative virus detection test (virus isolation or RRT-PCR) of oropharyngeal, tracheal and/or cloacal specimens from a minimum of one hundred and fifty (150) birds. If there are fewer than 150 birds in the flock, all birds must be tested. For waterfowl, virus detection testing on cloacal swabs is required for entry. RRT-PCR testing is accepted for domestic ducks-virus isolation testing must be used for other waterfowl. The date of sample collection must be within 30 days of entry into Pennsylvania and the shipment must be accompanied by the test report. No untested birds shall have been added to the flock after sample collection and before entry into Pennsylvania.

3. Poultry three (3) weeks of age and older, imported into the Commonwealth, shall meet all other import requirements required under PDA's regulations at Title 7 of the *Pennsylvania Code* (accessible through the following web site address: www.pacode.com).

4. Gallinaceous birds, water birds, and ratites three (3) weeks of age and older which are destined to be pet birds or destined to be part of a zoological or menagerie collection; and wild birds three (3) weeks of age and older (gallinaceous birds, water birds, and ratites) destined for domestication, confinement, or as pets must be test negative for avian influenza (swabs tested using virus isolation or real-time reverse-transcriptase polymerase chain reaction (RRT-PCR) techniques). These birds may be individually tested for import. The date of sample collection must be within thirty (30) days of entry into Pennsylvania and the shipment must be accompanied by the test report. RRT-PCR testing is accepted for domestic ducks. For wild water birds, virus isolation (cloacal swabs) is required for entry.

5. All other imported gallinaceous birds, water birds, and ratites three (3) weeks of age and older must meet all AI testing requirements stated for poultry (includes birds intended for release). For water birds, virus detection testing on cloacal swabs is required for entry (refer to #2 and #4 above). RRT-PCR testing is accepted for domestic ducks. For wild water birds, virus isolation (cloacal swabs) is required for entry.

6. This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported poultry and/or poultry products.

7. This Order is effective July 1, 2012, and supplants the referenced Interstate/International Quarantine Order of March 16, 2009.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 12-1306. Filed for public inspection July 13, 2012, 9:00 a.m.]

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 June 26, 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

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 6-14-2012 | Somerset Trust Company Somerset Somerset County | 4634 National Pike Markleysburg Fayette County | Opened |
| 6-26-2012 | Centric Bank Harrisburg Dauphin County | 5001 Jonestown Road Harrisburg Dauphin County | Approved |
| 6-26-2012 | Centric Bank Harrisburg Dauphin County | 1201 West Governor Road Hummelstown Dauphin County | Approved |
| 6-26-2012 | The Dime Bank Honesdale Wayne County | 161 Brooklyn Street Carbondale Lackawanna County | Filed |

Branch Relocations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 6-18-2012 | Northwest Savings Bank Warren Warren County | <i>To:</i> 2502 East 3rd Street Williamsport Lycoming County <i>From:</i> 815 Westminster Drive Williamsport Lycoming County | Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-1307. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Draft Action Plan for Community Development Block Grant—Disaster Recovery

There is a public comment period to review the draft Action Plan prepared by the Commonwealth for Fiscal Year 2012 Community Development Block Grant—Disaster Recovery (CDBG-DR) funds. The public comment period is from July 13, 2012, through July 20, 2012.

The United States Department of Housing and Urban Development (HUD) issued a notice published at 73 FR 22583 (April 16, 2012), which awarded \$27,142,501 of CDBG-DR funds to the Commonwealth to be adminis-

tered by the Department of Community and Economic Development (Department). The notice published at 73 FR 22583 requires the Commonwealth to notify and provide its citizens an opportunity to comment and provide input on the draft Action Plan and/or any substantial amendment to the Action Plan.

The purpose of the CDBG-DR program provides for disaster relief for unmet needs, long-term recovery and restoration of infrastructure, housing and economic revitalization resulting from severe weather that occurred during calendar year 2011. This allocation of funds is restricted to the 36 counties included in Presidentially-declared disaster areas during 2011. These funds are separate and distinct from the annual allocation of CDBG funds.

The draft Action Plan and supporting documentation is available for a 7-day public comment period and can be viewed on the Department's web site under the CDBG-DR section at www.newpa.com/strengthen-your-

community/technicalassistance/index.aspx. The draft is also made available to the Tri-County Branch of the Pennsylvania Association of the Blind for transfer to electronic media. The text is available to hearing-impaired persons by means of the Department's web site at the previously listed link. A translation into Spanish is also available on the Department's web site. The final version of the Action Plan will be submitted to HUD by July 23, 2012.

Persons who would like to provide written comment on the draft Action Plan may send comments to the Department of Community and Economic Development, Center for Community Financing, Attn: Daniel Fox, 400 North Street, 4th Floor, Harrisburg, PA 17120, daniefox@pa.gov. Comments must be received before 5 p.m. on July 20, 2012.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 12-1308. Filed for public inspection July 13, 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, July 25, 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. 12-1309. Filed for public inspection July 13, 2012, 9:00 a.m.]

Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction, (717) 787-5055.

FDC-211-1059.1—DGS 166-9, FPN X121-204-L97E—General Construction—Laurel Highlands Falls Area Visitors Center, Ohioopyle State Park, Ohioopyle Borough, Fayette County. Work included under this contract consists of demolition of existing buildings in the Falls Day Use area; salvage of specified materials; demolition/

modification of various site features; construction of a new Visitors Center structure; installation of geothermal wells, utility relocations/modifications to suit the new work; and general site improvements including drainage, parking areas, sidewalks, grading and miscellaneous site features such as benches, waste receptacles and signage. This project has been designed in accordance with USGBC LEED sustainable design criteria and is targeting an LEED "Gold" certification. Bid documents will be available on or after July 18, 2012. The bid opening will be held on August 16, 2012.

FDC-211-1059.2—DGS 166-9, FPN X121-204-L97E—Mechanical Construction—Laurel Highlands Falls Area Visitors Center, Ohioopyle State Park, Ohioopyle Borough, Fayette County. Work included under this contract consists of all heating, ventilation and air-conditioning work for the new, approximate 11,500-square foot Laurel Highlands Falls Area Visitors Center. The mechanical work includes hydronic pumps and circulation piping for a geothermal system (geothermal wells shall be installed by others); water source heat pumps; electric heating units; dehumidification; heat recovery/make-up air equipment; duct systems; exhaust systems; control systems and all associated equipment and accessories. This project has been designed in accordance with USGBC LEED sustainable design criteria and is targeting an LEED "Gold" certification. Bid documents will be available on or after July 18, 2012. The bid opening will be held on August 16, 2012.

FDC-211-1059.3—DGS 166-9, FPN X121-204-L97E—Plumbing Construction—Laurel Highlands Falls Area Visitors Center, Ohioopyle State Park, Ohioopyle Borough, Fayette County. Work included under this contract consists of all plumbing systems and associated work for the new, approximate 11,500-square foot Laurel Highlands Falls Area Visitors Center. The plumbing work includes installation of all domestic water supply piping systems, sanitary waste and vent piping systems, rain water collection and management system, green roof irrigation system, biological wastewater treatment (eco-machine) system, plumbing fixtures, valves and all associated equipment and accessories. This project has been designed in accordance with USGBC LEED sustainable design criteria and is targeting an LEED "Gold" certification. Bid documents will be available on or after July 18, 2012. The bid opening will be held on August 16, 2012.

FDC-211-1059.4—DGS 166-9, FPN X121-204-L97E—Electrical Construction—Laurel Highlands Falls Area Visitors Center, Ohioopyle State Park, Ohioopyle Borough, Fayette County. Work included under this contract consists of all electrical systems and work for the new, approximate 11,500-square foot Laurel Highlands Falls Area Visitors Center. The electrical work includes service modifications for electrical and tele/data services, interior power and lighting systems, exterior power and lighting systems, grounding systems, emergency generator system, raceways and conductors for audio-video systems, fire and security alarm systems, fixtures, devices and all associated equipment and accessories. This project has been designed in accordance with USGBC LEED sustainable design criteria and is targeting an LEED "Gold" certification. Bid documents will be available on or after July 18, 2012. The bid opening will be held on August 16, 2012.

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 12-1310. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|--------------------------------------|--|----------------------------|
| PA0060704 (Sewage) | Pleasant Valley Manor STP Off Route 33/Snydersville Exit Snydersville, PA 18360 | Monroe County Hamilton Township | McMichaels Creek 1-E | Y |

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|-----------------------|---|----------------------------------|---|--------------------|
| PA0061093 (Sewage) | Monroe Career & Technical Institute Laurel Lake Drive Bartonsville, PA 18321 | Monroe County Pocono Township | Unnamed Tributary to Pocono Creek High Quality Cold Water Fishes (1-E) | Y |
| PA0060038 (Sewage) | Saber Healthcare Group Julia Ribaldo Extended Care Center 1404 Golf Park Road Lake Ariel, PA 18436 | Wayne County Lake Township | Unnamed Tributary to Ariel Creek High Quality Cold Water Fishes Watershed (1-C) | Y |

Southcentral Region: Clean Water 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? |
|-----------------------------|--|---|------------------------------|--------------------|
| PA0081221 (Sew) Transfer | Shover Investment Group, LLC—Bailey Run MHP 225 Pine Hill Road Landisburg, PA 17040 | Perry County / Miller Township | Bailey Run / 12-B | Y |
| PA0260762 (Sew) | New Buffalo Borough PO Box 245 New Buffalo, PA 17069 | Perry County / New Buffalo Borough & Watts Township | Buffalo Creek / 6-C | Y |

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

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|------------------------------------|---|---------------------------------------|---|--------------------|
| PA0008796 (Industrial Waste) | L3 Communications 1035 Westminster Drive Williamsport, PA 17701 | Lycoming County Loyalsock Township | Unnamed Tributary of West Branch Susquehanna River (10-B) | Y |

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

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

PA0244571, SIC Code 8711, **CRC Industries, Inc.**, 885 Louis Drive, Warminster, PA 18974. Facility Name: CRC Industries Warminster Facility GWCU. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge of treated groundwater. Contaminated groundwater will be pumped and treated by air stripper and activated carbon. The effluent will be discharged to a municipal storm sewer that flows to an Unnamed Tributary of Little Neshaminy Creek.

The receiving stream(s), an Unnamed Tributary of Little Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a long term average design flow of 0.043 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|------------------------|--------------------|------------------|---------------------|----------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | Instant. Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 75 |
| Tetrachloroethylene | XXX | XXX | XXX | 0.005 | XXX | 0.0125 |
| Trichloroethylene | XXX | XXX | XXX | 0.005 | XXX | 0.0125 |
| Vinyl Chloride | XXX | XXX | XXX | 0.00024 | XXX | 0.0006 |

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

- Remedial Measures if Public Nuisance
- Small Stream Discharge
- BAT/ELG Reopener

- Change of Ownership
- Instantaneous Maximum Limitations
- Proper Sludge Disposal
- Stripper Tower Wastewater
- Visual Inspection of System
- Laboratory Certification

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

The EPA Waiver is in effect.

PA0050466, Sewage, SIC Code 4952, **East Vincent Township Chester County**, 262 Ridge Road, Spring City, PA 19475-2203. Facility Name: Veterans Center STP. This existing facility is located in East Vincent Township, **Chester County**.

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

The receiving stream(s), Unnamed Stream, is located in State Water Plan watershed 3-D and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD (interim, until June 30, 2014) and 0.323 MGD (Final, effective from July 1, 2014).

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------------|-----------------|---------------------|------------------|----------------------|----------------|---------------|
| | Average Monthly | Weekly Average | Instant. Minimum | Average Monthly | Weekly Average | Instant. Max. |
| 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 (Interim) | XXX | XXX | XXX | 0.2 | XXX | 0.4 |
| CBOD ₅ (Interim) | 104 | 167 | XXX | 25 | 40 | 50 |
| CBOD ₅ (Final) | 27.0 | 40.4 | XXX | 10 | 15 | 20 |
| Total Suspended Solids (Interim) | 63 | 96.6 | XXX | 15 | 23 | 30 |
| Total Suspended Solids (Final) | 27.0 | 40.4 | XXX | 10 | 15 | 20 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Nov 1 - April 30 | XXX | XXX | XXX | Geo Mean 200 | XXX | 1,000* |
| Total Nitrogen (Final) | 27 | XXX | XXX | Geo Mean 10 | XXX | 20 |
| Ammonia-Nitrogen (Interim) | 17 | XXX | XXX | 4.0 | XXX | 8.0 |
| Ammonia-Nitrogen (Final) | 4.0 | XXX | XXX | 1.5 | XXX | 3.0 |
| Total Phosphorus (Final) | 1.35 | XXX | XXX | 0.5 | XXX | 1.0 |

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

Interim period is from permit issuance through June 30, 2014 Final period is from July 1, 2014 through permit expiration.

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

UV disinfection system proposed for the new plant.

Dry Stream Discharge

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

The EPA Waiver is in effect.

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

PA0065340, Pesticides, SIC Code 0782, **Stillwater Estates Property Owners Association**, HC 89 Box 85, Pocono Summit, PA 18346.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge associated with the application of pesticides in Coolbaugh & Tobyhanna Townships, **Monroe County**.

The receiving waterbody is Stillwater Lake (on Upper Tunkhannock Creek) is located in State Water Plan watershed 2-A and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. 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.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. 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. 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.

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

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

PA0090948, Industrial Waste, SIC Code 4953, **Veolia ES Chestnut Valley Landfill, Inc.**, 1184 McClellandtown Road, McClellandtown, PA 15458. Facility Name: Veolia ES Chestnut Valley Landfill. This existing facility is located in German Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for storm water and emergency discharges of treated landfill leachate and truck wash waters.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | 0.05 | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | 0.15 | 0.23 | XXX | 0.49 | 0.76 | 1.14 |
| BOD ₅ | 11 | 42 | XXX | 37 | 140 | 175 |
| Total Suspended Solids | 8.1 | 26 | XXX | 27 | 88 | 110 |
| Total Dissolved Solids | Report | Report | XXX | Report | Report | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 400 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 | XXX | 10,000 |
| Geo Mean | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 1.1 | 2.1 | XXX | 3.5 | 7.0 | 8.8 |
| Nov 1 - Apr 30 | 1.5 | 3.0 | XXX | 4.9 | 10 | 12.3 |
| Total Aluminum | 0.33 | 0.66 | XXX | 1.1 | 2.2 | 2.8 |
| Total Antimony | 0.005 | 0.008 | XXX | 0.018 | 0.028 | 0.045 |
| Total Arsenic | 0.010 | 0.015 | XXX | 0.033 | 0.051 | 0.083 |
| Total Barium | 1.2 | 2.4 | XXX | 4.0 | 8.0 | 10.0 |
| Total Boron | Report | Report | XXX | Report | Report | XXX |
| Total Cobalt | 0.013 | 0.025 | XXX | 0.042 | 0.084 | 0.105 |
| Total Copper | 0.006 | 0.012 | XXX | 0.020 | 0.040 | 0.05 |
| Dissolved Iron | 0.09 | 0.18 | XXX | 0.3 | 0.6 | 0.8 |
| Total Iron | 0.45 | 0.90 | XXX | 1.5 | 3.0 | 3.8 |
| Total Lead | 0.002 | 0.004 | XXX | 0.007 | 0.014 | 0.018 |
| Total Manganese | 0.3 | 0.6 | XXX | 1.0 | 2.0 | 2.5 |
| Total Mercury | 0.000033 | 0.000051 | XXX | 0.00011 | 0.00017 | 0.00028 |
| Total Nickel | 0.034 | 0.068 | XXX | 0.114 | 0.228 | 0.285 |
| Total Selenium | 0.003 | 0.006 | XXX | 0.011 | 0.022 | 0.028 |
| Total Zinc | 0.033 | 0.060 | XXX | 0.11 | 0.20 | 0.28 |
| 2-Hexanone | 0.004 | 0.009 | XXX | 0.015 | 0.030 | 0.038 |
| Phenol | 0.005 | 0.008 | XXX | 0.015 | 0.026 | 0.038 |
| Acetone | 0.03 | 0.06 | XXX | 0.11 | 0.22 | 0.28 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|----------------------|----------------|----------------|-----------------------------|----------------|-----------------|
| | <i>Average</i> | <i>Daily</i> | <i>Minimum</i> | <i>Average</i> | <i>Daily</i> | <i>Instant.</i> |
| | <i>Monthly</i> | <i>Maximum</i> | | <i>Monthly</i> | <i>Maximum</i> | |
| a-Terpineol | 0.005 | 0.010 | XXX | 0.016 | 0.033 | 0.040 |
| Benzoic Acid | 0.021 | 0.036 | XXX | 0.071 | 0.120 | 0.178 |
| Methyl Ethyl Ketone | 0.06 | 0.12 | XXX | 0.21 | 0.42 | 0.53 |
| Methyl Isobutyl Ketone | 0.004 | 0.009 | XXX | 0.015 | 0.030 | 0.038 |
| p-Cresol | 0.004 | 0.007 | XXX | 0.014 | 0.025 | 0.035 |
| Total Xylenes | 0.003 | 0.006 | XXX | 0.01 | 0.02 | 0.025 |

The proposed effluent limits for Outfall 002 are for storm water discharges.

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

The proposed effluent limits for Outfall 003 are for storm water discharges.

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

In addition, the permit contains special conditions for priority pollutant sampling, sludge disposal, TRC minimization, storm water control, leachate management, groundwater underdrain system discharges, chemical additives, untreated leachate quantity and quality monitoring, and restrictions on the commencement of new or expanded discharges.

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

The EPA Waiver is in effect.

PA0203661, SIC Code 2819, **Reaxis Inc.**, 941 Robinson Highway, McDonald, PA 15057. Facility Name: Reaxis Robinson Facility. This existing facility is located in Robinson Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of untreated, non-contact cooling water, groundwater and stormwater runoff.

The receiving stream, Unnamed Tributary of Robinson Run, is located in State Water Plan watershed 20-F and 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 002 are based on a design flow of 0.1015 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|----------------------------|----------------------|----------------|----------------|-----------------------------|-----------------|--|
| | <i>Average</i> | <i>Daily</i> | <i>Minimum</i> | <i>Average</i> | <i>Instant.</i> | |
| | <i>Monthly</i> | <i>Maximum</i> | | <i>Monthly</i> | | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 | |
| Temperature (°F) (interim) | XXX | XXX | XXX | XXX | 110 | |
| Temperature (°F) (final) | XXX | XXX | XXX | XXX | XXX | |
| Jan 1 - Feb 28 | XXX | XXX | XXX | XXX | 40.8 | |
| Mar 1-31 | XXX | XXX | XXX | XXX | 48.0 | |
| Apr 1-15 | XXX | XXX | XXX | XXX | 54.2 | |
| Apr 16-30 | XXX | XXX | XXX | XXX | 60.2 | |
| May 1-15 | XXX | XXX | XXX | XXX | 65.4 | |
| May 16-31 | XXX | XXX | XXX | XXX | 74.4 | |
| Jun 1-15 | XXX | XXX | XXX | XXX | 81.8 | |
| Jun 16-30 | XXX | XXX | XXX | XXX | 85.8 | |
| Jul 1-31 | XXX | XXX | XXX | XXX | 88.0 | |
| Aug 1-31 | XXX | XXX | XXX | XXX | 87.9 | |
| Sep 1-15 | XXX | XXX | XXX | XXX | 84.7 | |
| Sep 16-30 | XXX | XXX | XXX | XXX | 78.7 | |
| Oct 1-15 | XXX | XXX | XXX | XXX | 72.7 | |
| Oct 16-31 | XXX | XXX | XXX | XXX | 66.7 | |
| Nov 1-15 | XXX | XXX | XXX | XXX | 58.8 | |
| Nov 16-30 | XXX | XXX | XXX | XXX | 50.6 | |
| Dec 1-31 | XXX | XXX | XXX | XXX | 42.6 | |

The proposed effluent limits for Outfall 102 are based on a design flow of 0.0942 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Temperature (°F) | XXX | XXX | XXX | XXX | 110 | XXX |

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0032 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|----------------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Oil and Grease | XXX | XXX | XXX | 15 | 30 | XXX |
| Aluminum, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Aluminum, total (final) | XXX | XXX | XXX | 0.48 | 0.75 | 1.0 |
| Iron, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Iron, total (final) | XXX | XXX | XXX | 1.5 | 2.34 | 2.93 |
| Manganese, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Manganese, total (final) | XXX | XXX | XXX | 0.64 | 1.0 | 1.25 |
| Nickel, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Nickel, total (final) | XXX | XXX | XXX | 0.09 | 0.14 | 0.18 |
| Copper, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Copper, total (final) | XXX | XXX | XXX | 0.015 | 0.024 | 0.03 |
| Free Available Cyanide (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Free Available Cyanide (final) | XXX | XXX | XXX | 0.009 | 0.014 | 0.0175 |
| Arsenic, total | XXX | XXX | XXX | Report | Report | XXX |
| Cadmium, total | XXX | XXX | XXX | Report | Report | XXX |
| Zinc, total | XXX | XXX | XXX | Report | Report | XXX |

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0032 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|----------------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Oil and Grease | XXX | XXX | XXX | 15 | 30 | XXX |
| Aluminum, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Aluminum, total (final) | XXX | XXX | XXX | 0.48 | 0.75 | 1.0 |
| Iron, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Iron, total (final) | XXX | XXX | XXX | 1.5 | 2.34 | 2.93 |
| Manganese, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Manganese, total (final) | XXX | XXX | XXX | 0.64 | 1.0 | 1.25 |
| Nickel, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Nickel, total (final) | XXX | XXX | XXX | 0.13 | 0.20 | 0.25 |
| Copper, total (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Copper, total (final) | XXX | XXX | XXX | 0.021 | 0.034 | 0.043 |
| Free Available Cyanide (interim) | XXX | XXX | XXX | Report | Report | XXX |
| Free Available Cyanide (final) | XXX | XXX | XXX | 0.012 | 0.019 | 0.024 |
| Arsenic, total | XXX | XXX | XXX | Report | Report | XXX |
| Cadmium, total | XXX | XXX | XXX | Report | Report | XXX |
| Zinc, total | XXX | XXX | XXX | Report | Report | XXX |

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

- Toxics and Thermal Reduction Evaluation, controls of discharges of floating materials, oil, grease, scum and other substances, sludge disposal conditions, chemical additive conditions, storm water runoff conditions.

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

The EPA Waiver is in effect.

PA0033219, Sewage, SIC Code 6515, **J. William Dyer**, PO Box 364, Sewickley, PA 15143-0364. Facility Name: Little Creek Estates STP. This existing facility is located in New Sewickley Township, **Beaver County**.

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

The receiving stream(s), Unnamed Tributary of Brush Creek, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.009 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------|----------------|-----------------------------|-------------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Minimum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Instant. Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | 0.009 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 1.4 | XXX | 3.3 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 25 | XXX | 50 |
| 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 |
| Total Phosphorus | XXX | XXX | XXX | Geo Mean 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 412-442-4000.

The EPA Waiver is in effect.

PA0096130, Sewage, **Nemacolin Inc.**, PO Box 484, Nemacolin, PA 15351-0484. Facility Name: Nemacolin Inc. STP. This existing facility is located in Cumberland Township, **Greene 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, Monongahela River, is located in State Water Plan watershed 19-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-------------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Instant. Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 1.4 | XXX | 3.3 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |

The EPA Waiver is in effect.

PA0205664, Sewage, **David J. D'Atri**, 320 Sunset Drive, Baden, PA 15005. Facility Name: Forest Brook Mobile Home Park STP. This existing facility is located in New Sewickley Township, **Beaver County**.

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

The receiving stream(s), Pine Run, is located in State Water Plan Watershed 20-G, and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.023 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|-------------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Instant. Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | 0.023 | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.10 | XXX | 0.24 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 2.0 | XXX | 4.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 5.0 | XXX | 10.0 |

The EPA Waiver is in effect.

PA0090816, Sewage, SIC Code 6515, **51 Park Properties**, 3101 Homestead Duquesne Road, West Mifflin, PA 15122-2811. Facility Name: 51 Park Properties STP. This existing facility is located in Forward Township, **Allegheny County**.

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

The receiving stream(s), Gillespie Run, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.02 | XXX | 0.05 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 1.5 | XXX | 3.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 2.3 | XXX | 4.6 |

The EPA Waiver is in effect.

PA0098434, Sewage, **PA DOT Bureau of Design**, PO Box 3060, Harrisburg, PA 17105-3060. Facility Name: Welcome Center Site D. This existing facility is located in Whiteley Township, **Greene County**.

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

The receiving stream(s), Unnamed Tributary of Whiteley Creek, is located in State Water Plan watershed 19-G and is classified for Warm Water Fisheries, 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 0.0095 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | 0.0095 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 1.9 | XXX | 3.8 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 2.7 | XXX | 5.4 |

PA0218693, Sewage, **Luzerne Township Sewage Authority**, PO Box 241, Labelle, PA 15450-0241. Facility Name: Luzerne Township Sewage Authority WWTF. This existing facility is located in Luzerne Township, **Fayette County**.

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

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.42 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| CBOD ₅ | 87.6 | 131.4 | XXX | 25 | 37.5 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | Report | Report | XXX | Report | XXX | XXX |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 105.1 | 157.7 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |

The EPA Waiver is in effect.

PA0026026, Sewage, **New Brighton Borough Sanitary Authority**, 610 3rd Street, New Brighton, PA 15066. Facility Name: New Brighton Borough Sanitary Authority WWTP. This existing facility is located in New Brighton Borough, **Beaver County**.

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

The receiving stream, Beaver River, is located in State Water Plan watershed 20-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | 417 | 626 | XXX | 25 | 37.5 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 501 | 751 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |

The EPA Waiver is not in effect.

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

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

WQM Permit No. 5112401, Sewage, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor, Philadelphia, PA 19107-2994.

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

Description of Action/Activity: Addition of new gravity thickeners to provide consistent thickening of primary sludge and better means of controlling odors.

WQM Permit No. WQG02091202, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Construction and operation of 21 individual grinder pumps connecting to a proposed low pressure force main for a 21 single family home subdivision.

WQM Permit No. 1504412, Sewage, **Amendment, Oxford Area Sewer Authority**, P. O. Box 379, 14 South Third Street, Oxford, PA 19363.

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

Description of Action/Activity: Construction and operation of Ross's spray fields and wastewater treatment plant rerate.

WQM Permit No. 4612401, Sewage, **Township of Abington**, 1176 Old York Road, Abington, PA 19001.

This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Action/Activity: Installation of a new centrifuge to dewater anaerobically digested biosolids.

WQM Permit No. 0912402, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Construction and operation of a 5 million gallon surge tank and related facilities.

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

WQM Permit No. 2670407-A2, Sewerage, **Menallen Township Sewer Authority**, 427 Searights Herbert Road, Uniontown, PA 15401-5137

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

Description of Proposed Action/Activity: Application for permit amendment.

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 & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|----------------------|---|
| PAI01 151216 | September Farm Cheese, LP 460 Mill Road Honey Brook, PA 19344 | Chester | Honey Brook Township | Unnamed Tributary West Branch Brandywine Creek (HQ-TSF-MF) |
| PAI01 151217 | Mike Lange 2010 Three Mile Run Road Perkasie, PA 19844 | Chester | Tredyffrin Township | Unnamed Tributary Valley Creek (EV) |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|---|
| PAI023906007R | Joseph Kolarik Hunt Meadows Estates LP 2288 Meadow Lane Emmaus, PA 18049 | Lehigh | Weisenberg Twp. | Lyon Creek, HQ-CWF, MF; Mill Creek, TSF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|--------------------------------|
| PAI024506013R | Sciota Properties, LLC HC1, Box 70 Stroudsburg, PA 18353 | Monroe | Hamilton Twp. | McMichael Creek, HQ-CWF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|--------------------------------------|
| PAI024806007R | Altman Management Co., Inc. 240 New York Dr. Suite 1 Fort Washington, PA 19034 | Northampton | Plainfield Twp. | Little Bushkill Creek, HQ-CWF, MF |

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, 570-281-9495.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--|---------------------------------|
| PAI023512002 | Pennsylvania American Water Co. David Kaufman 800 W. Hershey Park Dr. Hershey, PA 17033 | Lackawanna | Jermyn Borough, Mayfield Borough, Carbondale Twp., City of Carbondale | Lackawanna River, HQ-CWF, MF |

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

| <i>Permit #</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------|--|---------------|----------------------------|-----------------------------|
| PAI032112003 | Carlisle Moose Lodge #761 25 East High Street Carlisle, PA 17013 | Cumberland | Middlesex Township | Letort Spring Run/HQ-CWF |
| PAI033612007 | Mark A. Lewis 254 Little Britain Road Nottingham, PA 19362 | Lancaster | Little Britain Township | Reynolds Run/HQ-CWF |

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

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|-----------------------------|
| PAI041812001 | PSP Lamar LP 61 Executive Court Middlesex PA 16159 | Clinton | Lamar Township | Fishing Creek HQ-CWF, MF |

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI044111004(1) | Herman Logue George E Logue LLC 454 Mosteller Rd Trout Run PA 17771 | Lycoming | Loyalsock Township | Loyalsock Creek EV |

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

PAG-12 CAFOs

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 310, 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> |
|--|---------------|--------------------|--------------------------------|--------------------|---|---------------------|
| Hidden Acres Farms J. Kevin Rohrer 2115 Rohrer Road Manheim, PA 17545 | Lancaster | 400 | 1104.56 | Swine/Steer | HQ | Renewal |
| Mercer Vu Farms, Inc. Rick Hissong 12275 Mt. Pleasant Rd. Mercersburg, PA 17236 | Franklin | 1681.9 | 2101.88 | Dairy | NA | Renewal |
| Samuel Stalter 48 Rehrersburg Road Richland, PA 17087 | Berks | 13.1 | 446 | Layers Sheep | NA | Renewal |
| Irvin Weaver 6 Witman Road Womelsdorf, PA 19567 | Berks | 0 | 614.4 | Layers | NA | Renewal |

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0912514, Public Water Supply

| | |
|---------------------------|---|
| Applicant | Lower Bucks County Joint Municipal Authority |
| Borough | Tullytown |
| County | Bucks |
| Responsible Official | Vijay S. Rajput, PHD, PE 7811 New Falls Road Levittown, PA 19055 |
| Type of Facility | PWS |
| Consulting Engineer | CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112 |
| Application Received Date | May 23, 2012 |

Description of Action Changes to existing filter plant including sedimentation basin modifications, plate settler installation, and sludge removal system installation.

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

Permit No. 3612517, Public Water Supply.

Applicant **Sunoco Quick Mart/Mt. Hope Food Mart**
 Municipality Rapho Township
 County **Lancaster**
 Responsible Official Curtis M. Herman P.G., President
 155 Route 423
 Pocono Pines, PA 18350
 Type of Facility Public Water Supply
 Consulting Engineer Michael T. Crimmel, P.E.
 Austin James Associates, Inc.
 155 Route 423
 Pocono Pines, PA 18350
 Application Received: 6/19/2012
 Description of Action Granular Activated Carbon (GAC) for Volatile Organic Carbon (VOC) treatment

Application No. 3612519, Minor Amendment, Public Water Supply.

Applicant **W. L. Zimmerman & Sons, Inc.**
 Municipality Leacock Township
 County **Lancaster**
 Responsible Official Kristine E. Shirk, Owner
 3615 Old Philadelphia Pike
 Gordonville, PA 17534
 Type of Facility Public Water Supply
 Consulting Engineer Charles A Kehew II, P.E.
 James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401
 Application Received: 6/25/2012
 Description of Action Installation of anion exchange for nitrate treatment

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0212518MA, Minor Amendment.

Applicant **Municipal Authority of the Township of Robinson**
 PO Box 15539
 Pittsburgh, PA 15244
 [Township or Borough] Robinson Township

Responsible Official Anthony T. Lenze, Executive Director
 Municipal Authority of the Township of Robinson
 PO Box 15539
 Pittsburgh, PA 15244

Type of Facility Water system
 Consulting Engineer NIRA Consulting Engineers, Inc.
 950 Fifth Avenue
 Coraopolis, PA 15108

Application Received Date June 25, 2012

Description of Action Replacement of equipment in two clarifiers and SCADA upgrades.

Application No. 6512506MA, Minor Amendment.

Applicant **Ligonier Township Municipal Authority**
 One Municipal Park Drive
 Ligonier, PA 15658
 [Township or Borough] Fairfield and Ligonier Townships

Responsible Official Glen Kalp, Board Chairman
 Ligonier Township Municipal Authority
 One Municipal Park Drive
 Ligonier, PA 15658

Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501

Application Received Date June 27, 2012

Description of Action Installation of approximately 33,815 feet of waterline.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

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

Phoebe Home, Inc., 1925 Turner Street, Allentown City, **Lehigh County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate on behalf of his client, Phoebe Home, Inc. 1925 Turner Street, Allentown, PA 18104, concerning the remediation of soil found to have been impacted by arsenic as a result of historical operations at former greenhouses located on the property. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on April 30, 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.

Southwest Region: Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR123SW010. Greene County Water Treatment, Inc., 401 Jefferson

Road, Waynesburg, PA 15370. A registration for a residual waste general permit for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well. The application was deemed administratively complete by the Regional Office on June 28, 2012.

General Permit Application No. WMGR123SW009. Hart Resource Technologies, Inc., Creekside Facility, P. O. Box 232, Creekside, PA 15732. A registration for a residual waste general permit for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well. The application was deemed administratively complete by the Regional Office on June 28, 2012.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the DEP Southwest Regional Office at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Applications 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 Application No. WMGR081D005. Environmental Coordination Services and Recycling (ECS&R), 3237 US Highway 19, Cochran, PA 16314. This application is for a renewal of a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on June 26, 2012.

General Permit Application No. WMGR081D006. TBS Industries, Inc., 4211 Van Kirk Street, Philadelphia, PA 19135-3996. This application is for a renewal of a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on June 26, 2012.

General Permit Application No. WMGR081D010. JVS Environmental, LLP, 1466 Cornerstone Rd., Friedens, PA 15541. This application is for a renewal of a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on June 26, 2012.

General Permit Application No. WMGR081D012. Hi-Tech Recyclers LLC, 400 N. Lexington Street, Pittsburgh, PA 15208. This application is for a renewal of a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on June 26, 2012.

Persons interested in reviewing the applications may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

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.

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

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

40-317-034: The Hershey Co. (6 Scotch Pine Drive, Hazle Township, PA 18202) for installation of a new baking oven at their facility in Hazle Township, **Luzerne County**.

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

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

03-00257A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201-9642) for installation of a coal processing facility at their TJS No. 7 mine in Manor Township, **Armstrong County**.

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

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

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

36-03138B: Opsec Security, Inc. (1857 Colonial Village Lane, P. O. Box 1055, Lancaster, PA 17605-0155) for use of the emissions averaging program as an alternative to demonstrating compliance with the VOC content limit(s) of 25 Pa. Code § 129.52b, "Control of VOC emissions from paper, film and foil surface coating processes." The security printing facility is in East Lampeter Township, **Lancaster County**.

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

Volatile organic compound (VOC) emissions are not expected to increase as a result of the proposed emissions averaging approach. More specifically, the permittee shall comply with the limit of 0.4 lb VOC/lb coating solids, as listed in Table 1 of 25 Pa. Code § 129.52b. The Plan Approval and Operating permit will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

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

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

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

49-00043A: Shamokin Filler Co., Inc. (PO Box 568, Venn Access Road, Shamokin, PA 17872) for the proposed construction and operation of a natural gas fired rotary coal dryer and associated material handling equipment at their facility in Coal Township, **Northumberland County**. The air contaminant emissions from the rotary coal dryer and the associated material handling equipment will be controlled by separate air cleaning devices (fabric collectors).

The Department's review of the information contained in the application submitted by Shamokin Filler Co., Inc. indicates that the rotary dryer, material handling system and the fabric collectors will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the visible emission limitation of 25 Pa. Code § 123.41, and 40 CFR 60, Subpart Y requirements related to Standards of Performance for Coal Cleaning Facilities. The plan approval, if issued, will subsequently be incorporated in an operating permit via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of a rotary dryer and associated material handling equipment. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements.

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P201 is a Heyl & Patterson, Inc. manufactured rotary dryer which will be equipped with a 25 MMBtu per hour Maxon Kinedizer natural gas fired burner. The particulate matter emissions from the rotary dryer shall be controlled by a MAC Processes manufactured model #120MCF416 Style III fabric collector.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P202 is a material handling equipment which consist of a crusher, a screen, bucket elevators, conveyors, screw feeders, truck and rail car loading spouts. The particulate matter emissions from the material handling equipment of Source ID P202 shall be controlled by a MAC Processes manufactured model #120MCF416 Style III fabric collector.

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

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the rotary dryer shall not be operated in excess of 7,000 hours in any 12 consecutive month period.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emission from the exhaust of the fabric collector associated with the rotary dryer shall not exceed 0.005 grains per dry standard cubic foot.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emission from the exhaust of the fabric collector associated with the material handling equipment of Source ID P202 shall not exceed 0.005 grains per dry standard cubic foot.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides (NO_x) emissions from the rotary dryer shall not exceed 0.9 pounds per hour (lbs/hr) and 3.15 tons in any 12 consecutive month period.

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide (CO) emissions from the rotary dryer shall not exceed 0.74 lbs/hr and 2.59 tons in any 12 consecutive month period.

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compounds (VOC) emissions from the rotary dryer shall not exceed 0.5 lbs/hr and 1.75 tons in any 12 consecutive month period.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fabric collector associated with the rotary dryer and the material handling system shall be equipped with instrumentation which continuously monitors the pressure drop across the collector.

11. The permittee shall record the pressure drop reading across the fabric collector associated with the rotary dryer and the material handling system at least once per day in a log book or other acceptable recording device. These records shall be retained for a minimum of five years and be presented to the Department upon request.

12. Within 180 days of startup of operation the rotary dryer the permittee shall perform stack testing upon the exhaust for nitrogen oxides, carbon monoxide, volatile

organic compounds and particulate matter in order to verify compliance with the emission limitations established in this plan approval.

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

14. The permittee shall take all reasonable actions immediately including, but not limited to, enclosing the belt conveyor, reducing the drop height of the transfer points, installing a wind barrier at the feeders and around stockpiles etc. to control the fugitive dust emissions from the open material transfer points located at the upstream of the rotary dryer.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, a vacuum sweeper and an operable water truck equipped with a pressurized spray bar and nozzle must be available on site at all times for control of fugitive particulate matter from plant roadways and stockpile areas. Additionally, such equipment and materials as are necessary to take reasonable action (including but not necessarily limited to the application of water, oil or chemicals) shall be available at all times and shall be used for the prevention and control of fugitive air contaminant emissions becoming airborne resulting from the use of any roadways and/or stockpiling operations.

16. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, If at any time, the Department determines that air contaminant emissions from the equipment of ID P201 are in excess of any applicable air contaminant emission limitation, the permittee shall immediately install additional pickup points and/or take such other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

17. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for IDs C201 and C202 associated with Source IDs P201 and P202, respectively in order to be able to immediately replace any bags requiring replacement due to deterioration.

18. The rotary dryer (Source ID P201) and the material handling equipment (Source ID P202) are subject to 40 CFR Part 60, Subpart Y. The permittee shall comply with all applicable requirements of 40 CFR Part 60, Subpart Y, Sections 60.250 through 60.258.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

08-00040B: Seaboard International, Inc. (PO Box 450989, Houston, TX 77245) for an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a wellhead repair operation at their facility in Ulster Township, **Bradford County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by Seaboard International, Inc. indicates that construction of the wellhead repair operation will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the wellhead repair operation. Additionally, if the Department determines the wellhead repair operation is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (synthetic minor) operating permit.

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

1. The permittee shall not permit the emission of filterable particulate matter into the outdoor atmosphere from the surface coating operation in such a manner that the concentration in the effluent gas from the stack exceeds 0.005 grains per dry standard cubic foot of effluent gas volume. Compliance with this condition also ensures compliance with 25 Pa. Code § 123.13.

2. The spray booth shall be equipped with instrumentation to continuously monitor the differential pressure across the overspray filters.

3. The emission of volatile organic compounds and volatile hazardous air pollutants from the surface coating operation shall not exceed 2.4 tons and 1.17 tons, respectively, in any 12 consecutive month period.

4. Sherwin Williams STEEL SPEC™ Fast Dry Alkyd Finish Coat, Sherwin Williams Polane® S Plus Polyurethane Enamel (green), Sherwin Williams Kankote™ High Solids Primer (light gray) and Sherwin Williams Kem Bond® HS Universal Metal Primer (gray) shall be the only surface coatings used in the surface coating operation. Approval to use surface coatings not authorized for use may be requested by the permittee by submitting a written request to the Department. The request shall contain sufficient supporting documentation which demonstrates the surface coating has an equal or lower potential to emit volatile organic compounds and volatile hazardous air pollutants.

5. No more than 1,200 gallons of Sherwin Williams STEEL SPEC™ Fast Dry Alkyd Finish Coat (or equivalent surface coating), no more than 100 gallons of Sherwin Williams Polane® S Plus Polyurethane Enamel (or equivalent surface coating), no more than 100 gallons of Sherwin Williams Kankote™ High Solids Primer (or equivalent surface coating) and no more than 100 gallons of Sherwin Williams Kem Bond® HS Universal Metal Primer (or equivalent surface coating) shall be used in the surface coating operation in any 12 consecutive month period.

6. The surface coatings used at this facility shall be applied as received. Under no circumstances shall solvents or thinners be added to the surface coatings.

7. Safety-Kleen Heavy Duty Lacquer Thinner 6782, methyl amyl ketone, acetone and Xylol shall be the only solvents used for cleanup in the surface coating operation. Approval to use solvents not authorized for use may be requested by the permittee by submitting a written request to the Department. The request shall contain sufficient supporting documentation which demonstrates

the solvent has an equal or lower potential to emit volatile organic compounds and volatile hazardous air pollutants.

8. No more than 100 gallons of Safety-Kleen Heavy Duty Lacquer Thinner 6782 (or equivalent solvent), no more than 50 gallons of methyl amyl ketone (or equivalent solvent), no more than 50 gallons of acetone (or equivalent solvent) and no more than 50 gallons of Xylol (or equivalent solvent) shall be used the surface coating operation in any 12 consecutive month period.

9. Surface coatings applied in the surface coating operation shall only be applied with high volume, low pressure (HVLP) technology or an application technique determined by the Department to have an equivalent, or lower, air contaminant emission potential.

10. Spray equipment, lines, etc. used in the surface coating operation shall be cleaned by either flushing a solid liquid stream of solvent into a container or by soaking spray guns in an enclosed container of solvent. Under no circumstances shall solvent be flushed into a container in the form of an atomized spray or flushed/sprayed into the atmosphere. Containers of cleaning solvents, coatings, thinners and any other volatile organic compound-containing, volatile hazardous air pollutant containing or acetone-containing materials shall be kept closed except when taking material out of the container or putting material into the container. Solvent-wet rags or cloths shall be kept in closed containers when not in actual use. Under no circumstances shall waste solvent or other volatile organic compound-containing, volatile hazardous air pollutant-containing or acetone-containing materials be treated in any manner which intentionally promotes evaporative loss.

11. All containers of coatings, solvents and any other volatile organic compound-containing, volatile hazardous air pollutant-containing and/or acetone-containing materials shall be kept closed except when taking material out of the container or putting material into the container.

12. The volatile organic compound content of each as applied surface coating used in the surface coating operation shall not exceed the 6.67 pounds of volatile organic compounds per gallon coating solids standard specified in Table I of 25 Pa. Code § 129.52 for miscellaneous metal parts and products—extreme performance coatings. The volatile organic compound content of the as applied coating, expressed in units of weight of volatile organic compound per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (\text{W}_o)(\text{D}_c)/\text{V}_n$$

Where:

VOC = VOC content in lb VOC/gal of coating solids

W_o = Weight percent of VOC (W_v-W_w-W_{ex})

W_v = Weight percent of total volatiles (100%-weight percent solids)

W_w = Weight percent of water

W_{ex} = Weight percent of exempt solvent(s)

D_c = Density of coating, lb/gal, at 25°C

V_n = Volume percent of solids of the as applied coating

13. The permittee shall maintain daily records of the following:

a) The following parameters for each coating, thinner and other component used in the surface coating operation as supplied:

i. The coating, thinner or component name and identification number.

ii. The volume used.

iii. The mix ratio used.

iv. The density or specific gravity.

v. The weight percent of total volatiles, water, solids and exempt solvents.

vi. The volume percent of solids for each surface coating used in the surface coating operation.

b) The volatile organic compound content of each coating, thinner and other component as supplied used in the surface coating operation.

c) The volatile organic compound content of each as applied coating used in the surface coating operation.

All records generated pursuant to this condition shall be retained for a minimum of two (2) years and be made available to the Department upon request.

14. The permittee shall maintain accurate and comprehensive records of the following:

a) The type(s) and amount(s) of surface coatings and solvents used in the surface coating operation each month.

b) The type(s) and amount(s) of solvents used in the surface coating operation which is disposed of in liquid form each month.

c) Calculations used to verify compliance with the volatile organic compound and volatile hazardous air pollutant emission limitations specified herein for the surface coating operation for each month.

All records generated pursuant to this condition shall be retained for a minimum of five (5) years and be made available to the Department upon request.

15. The permittee shall submit reports on an annual basis of the following:

a) The type(s) and amount(s) of surface coatings and solvents used in the surface coating operation each month during the respective calendar year.

b) The type(s) and amount(s) of solvents used in the surface coating operation which is disposed of in liquid form each month during the respective calendar year.

c) Calculations used to verify compliance with the volatile organic compound and volatile hazardous air pollutant emission limitations specified herein for the surface coating operation for each month during the respective calendar year.

The annual reports shall be submitted to the Department by no later than March 1 for the preceding calendar year.

16. The degreasing operation shall comply with all applicable requirements specified in 25 Pa. Code § 129.63.

17. No more than 100 gallons of solvent shall be used in the degreaser in any 12 consecutive month period.

18. The permittee shall not use solvents containing hazardous air pollutants in the degreaser.

19. The permittee shall maintain accurate and comprehensive records of the type(s) and amount(s) of degreasing solvent(s) used in the degreaser each month. All records generated pursuant to this condition shall be retained for a minimum of five (5) years and be made available to the Department upon request.

20. The permittee shall submit reports on an annual basis of the type(s) and amount(s) of degreasing solvent(s) used in the degreaser each month during the respective calendar year. The annual reports shall be submitted to the Department by no later than March 1 for the preceding calendar year.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

19-00033A: Mountain Gathering, LLC (810 Houston Street, Fort Worth, TX 76102-6294) for a plan approval to construct four compressor engines at their Levan Compressor Station located in Pine Township, **Columbia County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by Mountain Gathering, LLC indicates that construction of the compressor engines will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the compressor engines. Additionally, if the Department determines the compressor engines are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (synthetic minor) operating permit.

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

1. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from each 1,775 horsepower Caterpillar model G3606 LE compressor engine shall not exceed the following limitations:

a) nitrogen oxides (NO_x , expressed as NO_2)—0.50 grams per brake horsepower-hour, 1.96 pounds per hour and 8.58 tons in any 12 consecutive month period.

b) carbon monoxide—0.19 grams per brake horsepower-hour, 0.75 pounds per hour and 3.29 tons in any 12 consecutive month period.

c) volatile organic compounds—0.32 grams per brake horsepower-hour, 1.23 pounds per hour and 5.39 tons in any 12 consecutive month period.

d) sulfur oxides—(SO , expressed as SO_2)—0.007 pounds per hour and 0.03 tons in any 12 consecutive month period.

e) particulate matter/PM-10—0.12 pounds per hour and 0.53 tons in any 12 consecutive month period.

f) hazardous air pollutants (including formaldehyde)—0.47 pounds per hour and 2.06 tons in any 12 consecutive month period.

g) formaldehyde—0.06 grams per brake horsepower-hour, 0.24 pounds per hour and 1.05 tons in any 12 consecutive month period.

Compliance with this condition also ensures compliance with Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4233(e).

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

3. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the compressor engines shall only be started using compressed air.

4. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the oxidation catalysts shall be equipped with instrumentation to continuously monitor and record the differential pressure and inlet temperature of the catalyst.

5. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, for engine shutdown, blowdown systems and purge pressure shutdown controls shall be configured to allow natural gas to be discharged to the inlet separator rather than venting directly to atmosphere, unless necessary for safety reasons.

6. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall follow the manufacturer's recommended maintenance plan for the compressor engines and shall, to the extent practicable, maintain and operate the source in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices for minimizing emissions.

Compliance with this condition also ensures compliance with Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4243.

7. Within 120 days of commencement of operation of each compressor engine, stack testing shall be performed on the compressor engines to verify compliance with the nitrogen oxides (NO_x , expressed as NO_2), carbon monoxide, volatile organic compound and formaldehyde emission limitations using test methods and procedures acceptable to the Department, as well as in compliance with the test methods and procedures specified in Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4244. All testing shall be performed while the engines are operating at full load and full speed.

At least 60 days prior to the performance of any testing required herein, the permittee shall submit three copies of a pretest protocol to the Department for review. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust system showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

At least 10 days prior to the performance of any testing required herein, the permittee shall notify the Department of the actual date(s) and time(s) that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper notification having first been given.

8. Pursuant to Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4243, every 8,760 hours of operation or every 3 years, whichever comes first, stack testing shall be performed on the compressor engines to

verify compliance with the nitrogen oxides (NO_x , expressed as NO_2), carbon monoxide, volatile organic compound emission limitations using test methods and procedures acceptable to the Department, as well as in compliance with the test methods and procedures specified in Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4244. All testing shall be performed while the engines are operating at full load and full speed.

At least 60 days prior to the performance of any testing required herein, the permittee shall submit three copies of a pretest protocol to the Department for review. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust system showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

At least 10 days prior to the performance of any testing required herein, the permittee shall notify the Department of the actual date(s) and time(s) that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper notification having first been given.

9. In addition to the stack testing required herein, the permittee shall perform periodic monitoring on the compressor engines every 2,500 hours of operation, but no sooner than forty-five (45) days from the previous test, to verify continued compliance with the nitrogen oxides (NO_x , expressed as NO_2) and carbon monoxide emission limitations. A portable gas analyzer may be used to satisfy the requirements of this condition utilizing three test runs of twenty (20) minutes for each test run. The Department may alter the frequency of portable analyzer tests based on the test results. The frequency of portable gas analyzer tests may be altered with written Departmental approval. The portable gas analyzer shall be used and maintained according to the manufacturer's specifications and the procedures specified in ASTM D 6522 or equivalent, as approved by the Department.

The Department reserves the right to require stack testing on the compressor engines in accordance with EPA reference methods should the data from the portable analyzer warrant such tests.

10. Within 60 days following the completion of any testing required herein, the permittee shall submit three copies of a test report to the Department. This test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing. The results of all testing shall be expressed in units which will allow direct comparisons to the emissions limitations specified herein.

11. The compressor engines shall comply with all applicable requirements specified in Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4230—60.4248.

12. The compressor engines shall comply with all applicable requirements specified in Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.6580—63.6675.

13. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the 1.5 million Btu per hour line heater shall only be fired on natural gas.

14. On an annual basis, the permittee shall obtain and submit to the Department a certified composition analysis of the pipeline quality natural gas to be used by the engines at the compressor station. At a minimum, the composition analysis shall list the content of the following components: (1) methane, (2) ethane, (3) nitrogen, (4) propane, (5) carbon dioxide, (6) carbon monoxide, (7) hydrogen sulfide, (8) water, (9) oxygen, (10) hydrogen, (11) butanes, (12) pentanes, (13) hexanes, (14) heptanes, (15) octanes, (16) nonane, (17) decane, (18) benzene, (19) toluene, (20) ethylbenzene and (21) xylene.

15. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate the emergency shutdown (ESD) system such that the isolation valves are closed to prevent the blowdown of gas into the atmosphere, unless necessary for safety reasons.

16. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the pneumatic controls at the facility shall only be operated using compressed air.

17. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air compressor(s) associated with the facility's pneumatic controls shall be equipped with an air dryer and an oil trap.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

18-00031A: Mountain Gathering, LLC (810 Houston Street, Fort Worth, TX 76102-6294) for a plan approval to construct four compressor engines at their Dry Run Compressor Station located in Chapman Township, **Clinton County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by Mountain Gathering, LLC indicates that construction of the compressor engines will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the compressor engines. Additionally, if the Department determines the compressor engines are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (synthetic minor) operating permit.

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

1. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant

emissions from each 1,775 horsepower Caterpillar model G3606 LE compressor engine shall not exceed the following limitations:

a) nitrogen oxides (NO_x , expressed as NO_2)—0.50 grams per brake horsepower-hour, 1.96 pounds per hour and 8.58 tons in any 12 consecutive month period.

b) carbon monoxide—0.19 grams per brake horsepower-hour, 0.75 pounds per hour and 3.29 tons in any 12 consecutive month period.

c) volatile organic compounds—0.32 grams per brake horsepower-hour, 1.23 pounds per hour and 5.39 tons in any 12 consecutive month period.

d) sulfur oxides—(SO_x , expressed as SO_2)—0.007 pounds per hour and 0.03 tons in any 12 consecutive month period.

e) particulate matter/PM-10—0.12 pounds per hour and 0.53 tons in any 12 consecutive month period.

f) hazardous air pollutants (including formaldehyde)—0.47 pounds per hour and 2.06 tons in any 12 consecutive month period.

g) formaldehyde—0.06 grams per brake horsepower-hour, 0.24 pounds per hour and 1.05 tons in any 12 consecutive month period.

Compliance with this condition also ensures compliance with Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4233(e).

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

3. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the compressor engines shall only be started using compressed air.

4. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the oxidation catalysts shall be equipped with instrumentation to continuously monitor and record the differential pressure and inlet temperature of the catalyst.

5. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, for engine shutdown, blowdown systems and purge pressure shutdown controls shall be configured to allow natural gas to be discharged to the inlet separator rather than venting directly to atmosphere, unless necessary for safety reasons.

Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall follow the manufacturer's recommended maintenance plan for the compressor engines and shall, to the extent practicable, maintain and operate the source in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices for minimizing emissions.

Compliance with this condition also ensures compliance with Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4243.

6. Within 120 days of commencement of operation of each compressor engine, stack testing shall be performed on the compressor engines to verify compliance with the nitrogen oxides (NO_x , expressed as NO_2), carbon monoxide, volatile organic compound and formaldehyde emission limitations using test methods and procedures acceptable to the Department, as well as in compliance with the test methods and procedures specified in Subpart JJJJ of the

Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4244. All testing shall be performed while the engines are operating at full load and full speed.

At least 60 days prior to the performance of any testing required herein, the permittee shall submit three copies of a pretest protocol to the Department for review. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust system showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

At least 10 days prior to the performance of any testing required herein, the permittee shall notify the Department of the actual date(s) and time(s) that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper notification having first been given.

7. Pursuant to Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4243, every 8,760 hours of operation or every 3 years, whichever comes first, stack testing shall be performed on the compressor engines to verify compliance with the nitrogen oxides (NO_x , expressed as NO_2), carbon monoxide, volatile organic compound emission limitations using test methods and procedures acceptable to the Department, as well as in compliance with the test methods and procedures specified in Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4244. All testing shall be performed while the engines are operating at full load and full speed.

At least 60 days prior to the performance of any testing required herein, the permittee shall submit three copies of a pretest protocol to the Department for review. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust system showing the locations of all proposed sampling ports. The protocol shall also identify all process data which will be monitored and recorded during testing.

At least 10 days prior to the performance of any testing required herein, the permittee shall notify the Department of the actual date(s) and time(s) that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper notification having first been given.

8. In addition to the stack testing required herein, the permittee shall perform periodic monitoring on the compressor engines every 2500 hours of operation, but no sooner than forty-five (45) days from the previous test, to verify continued compliance with the nitrogen oxides (NO_x , expressed as NO_2) and carbon monoxide emission limitations. A portable gas analyzer may be used to satisfy the requirements of this condition utilizing three test runs of twenty (20) minutes for each test run. The Department may alter the frequency of portable analyzer tests based on the test results. The frequency of portable gas analyzer tests may be altered with written Departmental approval. The portable gas analyzer shall be used and maintained according to the manufacturer's specifications and the procedures specified in ASTM D 6522 or equivalent, as approved by the Department. The Depart-

ment reserves the right to require stack testing on the compressor engines in accordance with EPA reference methods should the data from the portable analyzer warrant such tests.

9. Within 60 days following the completion of any testing required herein, the permittee shall submit three copies of a test report to the Department. This test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing. The results of all testing shall be expressed in units which will allow direct comparisons to the emissions limitations specified herein.

10. The compressor engines shall comply with all applicable requirements specified in Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4230 through 60.4248.

11. The compressor engines shall comply with all applicable requirements specified in Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.6580—63.6675.

12. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the 1.5 million Btu per hour line heater shall only be fired on natural gas.

13. On an annual basis, the permittee shall obtain and submit to the Department a certified composition analysis of the pipeline quality natural gas to be used by the engines at the compressor station. At a minimum, the composition analysis shall list the content of the following components: (1) methane, (2) ethane, (3) nitrogen, (4) propane, (5) carbon dioxide, (6) carbon monoxide, (7) hydrogen sulfide, (8) water, (9) oxygen, (10) hydrogen, (11) butanes, (12) pentanes, (13) hexanes, (14) heptanes, (15) octanes, (16) nonane, (17) decane, (18) benzene, (19) toluene, (20) ethylbenzene and (21) xylene.

14. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate the emergency shutdown (ESD) system such that the isolation valves are closed to prevent the blowdown of gas into the atmosphere, unless necessary for safety reasons.

15. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the pneumatic controls at the facility shall only be operated using compressed air.

16. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air compressor(s) associated with the facility's pneumatic controls shall be equipped with an air dryer and an oil trap.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

59-00027A: UGI Storage Company (1 Meridian Blvd., Suite 2C01, Wyomissing, PA 19610) for a plan approval application for the construction of two (2) natural gas compressors each powered by a 1380 bhp ultra-lean burn

natural gas-fired engine, one (1) natural gas compressor powered by a 690 bhp ultra-lean burn natural gas-fired engine, one (1) emergency generator set powered by a 1100 bhp diesel-fired engine, and four (4) storage tanks. UGI Storage Company has proposed to control emissions from the proposed compressor engines through the use of low emission combustion, oxidation catalysts, and utilizing natural gas as fuel. UGI Storage Company has also proposed to further reduce potential fugitive emissions from the proposed facility through voluntary compliance with both the EPA Natural Gas STAR program and the leak detection provisions of 40 CFR Part 98 Subpart W. The emissions from the proposed sources will not exceed any major source threshold for any air contaminant; therefore, the proposed Palmer Compressor Station would be classified as a natural minor facility.

The Department's review of the information submitted by UGI Storage Company indicates that the proposed sources will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards Subpart JJJJ and IIII, and the National Emissions Standards for Hazardous Air Pollutants Subpart ZZZZ. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the sources and associated air cleaning devices. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state-only operating permit.

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

1. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the combined air contaminant emissions from the two (2) 1,380 horsepower Caterpillar model G3516B compressor engines shall be controlled by Exterran model 201 V O—3—200—8114 oxidation catalysts and shall not exceed the following limitations:

Nitrogen oxides (NO_x , expressed as NO_2)—0.50 grams per brake horsepower-hour, 3.04 pounds per hour and 13.3 tons in any 12 consecutive month period.

Carbon monoxide—0.122 grams per brake horsepower-hour, 0.74 pounds per hour and 3.3 tons in any 12 consecutive month period.

Volatile organic compounds—0.192 grams per brake horsepower-hour, 1.17 pounds per hour and 5.1 tons in any 12 consecutive month period.

Sulfur oxides—(SO_x , expressed as SO_2)—0.02 pounds per hour and 0.06 tons in any 12 consecutive month period.

Particulate matter/PM10—0.20 pounds per hour and 0.88 tons in any 12 consecutive month period.

Hazardous air pollutants (including formaldehyde)—0.53 pounds per hour and 2.3 tons in any 12 consecutive month period.

Formaldehyde—0.022 grams per brake horsepower-hour, 0.14 pounds per hour and 0.59 tons in any 12 consecutive month period.

2. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant

emissions from the 690 horsepower Caterpillar model G3508B compressor engine shall be controlled by an Exterran model 201 V O—2 100—8112 oxidation catalyst and shall not exceed the following limitations:

Nitrogen oxides (NO_x , expressed as NO_2)—0.50 grams per brake horsepower-hour, 0.76 pounds per hour and 1.14 tons in any 12 consecutive month period.

Carbon monoxide—0.129 grams per brake horsepower-hour, 0.20 pounds per hour and 0.29 tons in any 12 consecutive month period.

Volatile organic compounds—0.22 grams per brake horsepower-hour, 0.33 pounds per hour and 0.50 tons in any 12 consecutive month period.

Sulfur oxides—(SO_x , expressed as SO_2)—0.003 pounds per hour and 0.005 tons in any 12 consecutive month period.

Particulate matter/PM10—0.06 pounds per hour and 0.08 tons in any 12 consecutive month period.

Hazardous air pollutants (including formaldehyde)—0.14 pounds per hour and 0.21 tons in any 12 consecutive month period.

Formaldehyde—0.021 grams per brake horsepower-hour, 0.032 pounds per hour and 0.048 tons in any 12 consecutive month period.

3. Within 120 days of commencement of operation of Source P101, stack testing shall be performed on the source to verify compliance with the nitrogen oxides (NO_x , expressed as NO_2), carbon monoxide, volatile organic compound and formaldehyde emission limitations using test methods and procedures acceptable to the Department, as well as in compliance with the test methods and procedures specified in Subpart JJJJ of the Federal Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4244. All testing shall be performed while the source is operating at $\pm 10\%$ of full load.

4. At least sixty (60) days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

5. The Department shall be given at least fourteen (14) days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

6. Within sixty (60) days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

7. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall conduct an initial performance test and conduct subsequent performance testing of the compressor engines every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance. The permittee must also keep a maintenance plan and records of conducted maintenance pertaining to the compressor engines, and to the extent practicable, maintain and operate the compressor engines in a manner consistent with good air pollution control practice for minimizing emissions.

8. In addition to the stack testing required herein, the permittee shall perform periodic monitoring on each compressor engine every 2500 hours of operation, but no sooner than forty-five (45) days from the previous test, to verify continued compliance with the nitrogen oxides (NO_x , expressed as NO_2) and carbon monoxide emission limitations. A portable gas analyzer may be used to satisfy the requirements of this condition utilizing three test runs of twenty (20) minutes for each test run. The Department may alter the frequency of portable analyzer tests based on the test results. The frequency of portable gas analyzer tests may be altered with written Departmental approval. The portable gas analyzer shall be used and maintained according to the manufacturer's specifications and the procedures specified in ASTM D 6522 or equivalent, as approved by the Department.

9. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the compressor engines shall only be fired on natural gas.

10. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep a maintenance plan for the compressor engines and shall, to the extent practicable, maintain and operate the engines in a manner consistent with good air pollution control practice for minimizing emissions.

11. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep the compressors pressurized when off-line, except for when depressurization is necessary for safety reasons, such as during planned maintenance activities.

12. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, The permittee shall inspect the compressor rod packing and pressure safety valves no less than once per quarter (4 times per year), and perform servicing or replacing, as necessary.

13. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the compressor engines shall only be started using compressed air.

14. The oxidation catalysts shall be equipped with instrumentation to continuously monitor the differential pressure and outlet temperature of the catalyst.

15. The compressor engines are subject to 40 CFR Part 60 Subpart JJJJ—New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines. All applicable requirements of Subpart JJJJ shall be incorporated into the plan approval.

16. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the 1100 bhp Caterpillar DM9071 emergency generator engine shall not exceed the following limitations:

Nitrogen oxides (NO_x , expressed as NO_2)—5.32 grams per brake horsepower-hour, 12.90 pounds per hour and 3.23 tons in any 12 consecutive month period.

Carbon monoxide—0.24 grams per brake horsepower-hour, 0.58 pounds per hour and 0.15 tons in any 12 consecutive month period.

Volatile organic compounds—0.03 grams per brake horsepower-hour, 0.07 pounds per hour and 0.02 tons in any 12 consecutive month period.

Particulate matter/PM10—0.053 pounds per hour and 0.013 tons in any 12 consecutive month period.

Hazardous air pollutants (including formaldehyde)—0.01 pounds per hour and 0.003 tons in any 12 consecutive month period.

17. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the emergency generator shall be equipped with a non-resettable hour meter which accurately measures the total engine run-time.

18. The emergency generator is subject to 40 CFR Part 60 Subpart IIII—New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engines. All applicable requirements of Subpart IIII shall be included in the plan approval.

19. All of the stationary reciprocating internal combustion engines in this plan approval are subject to 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines. All applicable requirements of Subpart ZZZZ shall be included in the plan approval.

20. The 5000 gallon compressor condensate storage tank shall be equipped with pressure relief valves that are maintained in good operating condition and set to release at no less than 0.7 pounds per square inch gauge (psig) of pressure or 0.3 psig of vacuum or the highest possible pressure and vacuum in accordance with state/local fire codes, the National Fire Prevention Association guidelines, or other national consensus standards acceptable to the Department.

21. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the pneumatic controls at the facility shall only be operated using compressed air.

22. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install emergency shutdown valves as close to the facility limits as reasonably possible. Prior to blowdown of the facility, the permittee shall connect the high-pressure lines to the low pressure system to reduce pressures to 275 psig before blowing down the piping to the atmosphere.

23. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, all pipelines at the facility shall be cathodically protected and be inspected annually for leakage, and serviced, repaired, or replaced as necessary.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

25-197E: TSK Partners Inc. (6300 West Ridge Road, Erie, PA 16506), for authorization to construct and operate a cartridge filter dust collector which will replace a venturi rod scrubber at their existing Erie Bronze and Aluminum, Fairview Facility in Fairview Township, **Erie County**. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. The facility currently operates under state only

operating permit 25-00197 which expires July 31st, 2012. An application to renew the operating permit is currently being reviewed.

This control device will reduce emissions from the sand handling system (Source 101). The air contaminate collection points, the blower fan, and the duct work will not change as a result of this project, therefore, air flow and contaminate collection efficiency is not expected to change significantly. The filter has an estimated removal efficiency of 99.8 percent for particles 0.5 micron and larger. The PM emission rate will be the minimum achievable through BAT. Currently, 0.01 g/dscf is consistent with BAT, therefore the source will be required to meet this limitation. This emission limitation is more stringent than the 0.04 g/dscf standard limitation established in 25 Pa. Code § 123.13 and more stringent than the current SOOP's emission limitation.

The owner/operator shall comply with conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source. These conditions are summarized below.

The owner/operator shall operate the source and its' air cleaning device in accordance with manufacturers' specifications and with good air pollution control practice. A copy of both the dust collector and the cartridge filter manufacturer's operational and maintenance guide/literature shall be kept onsite at the control device at all times. The owner/operator shall perform a monthly preventative maintenance (PM) inspection of the cartridge filter dust collector. The owner/operator shall maintain a preventative maintenance log. The owner/operator shall retain on site a number of spare cartridge filters equal to 10% of the cartridge filters in use or a number of spare cartridge filters as recommended by the manufacturer, whichever is greater.

The owner/operator shall install, maintain, and calibrate a pressure and temperature gage to monitor inlet air. The owner/operator shall maintain an operating pressure drop range of 1.0 to 6.0 inches of water, gage pressure, across the dust collector. The owner/operator shall limit the temperature of air entering the control device to 190 degrees Fahrenheit or less. The owner/operator shall record in a log pressure drop readings across the cartridge filter and inlet air temperature.

All logs and required records shall be maintained on site for a minimum of five years and shall be made available to the Department upon request.

Emission of particulate matter from the source into the atmosphere shall not exceed 0.01 grains per dry standard cubic foot (filterable).

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

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

address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-197E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Jacob G. Chemsak, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6638.

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

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

15-00019: Exelon Generation Co., LLC (300 Exelon Way, Suite 330, Kennett Square, PA 19348; Attn: Mr. John Tissue) for renewal of the Title V Operating Permit in East Pikeland Township, **Chester County**. The initial permit was issued on July 2, 2000, for their electric utility power station located at 100 Cromby Road, Phoenixville, PA. The facility is a major source for all criteria pollutants. Sources include utility Boiler 1, utility Boiler 2, Cromby Auxiliary Boiler, Natural Gas Preheater, Centrifuge Dryers A and B, Reheat Burners ABC, Diesel Generator, Mechanical Collector 1, "D" Secondary Collector Cyclone, Electrostatic Precip 1, Wet Scrubber Train ABC, Dryer A Cyclone, Dryer B Cyclone, Baghouse 1, and SNCR for Boiler 1. Boiler 1 is subject to 40 C.F.R. Part 60, Subpart HHHH, which had previously been incorporated into the permit. Boiler 1 and Boiler 2 are subject to 40 C.F.R. Part 63, Subpart UUUUU. The Auxiliary Boiler and Natural Gas Heater are subject to 40 C.F.R. Part 63, Subpart DDDDD. The Diesel Generator is only used for emergencies and is subject to 40 C.F.R. Part 63, Subpart ZZZZ, but is exempt from having to meet the requirements of this subpart and subpart A of 40 C.F.R. Part 63, including the initial notification requirement. Boiler 1 is considered a major source of PM, SO_x, CO, and NO_x. The pollutants SO_x, CO, and NO_x are monitored using a Continuous Emission Monitoring System (CEMS), which exempts the source from Compliance Assurance Monitoring CAM (40 CFR § 64.3). Boiler 1 and Boiler 2 are both subject to the Clean Air Interstate Rule (CAIR). Applicable conditions were already incorporated into the permit. The following are potential site-wide emission rates for this facility: NO_x—5,341.1 TPY; SO_x—17,781.9 TPY; PM—2,125.1 TPY; CO—679.8 TPY; VOC—32.74 TPY; HAP—137.5 TPY; and GHG—3,149,609 TPY (reported as CO₂e). Allowable emissions from the facility have not increased as a result of this permit renewal. Individual limits apply to the various sources at the facility. The operating permit contains requirements to keep the facility operating within all applicable air quality requirements for this source.

The Department intends to re-issue an Acid Rain Permit for this site, as well. For the time period from January 2013 to December 2017, the Title IV Permit (ORIS number 3159) is included by reference in the Title V Operating Permit renewal. Boiler 1 and Boiler 2 are Phase II units, as defined in 40 C.F.R. Section 72.2, and are both subject to permitting for SO_x. For calendar years 2013-2017, the SO_x allowance allocations for Boiler 1 are 2,207 tons per calendar year. For the same time period, the SO_x allowance allocations for Boiler 2 are 2,114 tons per calendar year. When the Acid Rain program was first implemented, the facility opted into the early election NO_x reduction plan for Boiler 1. Boiler 1 became subject to an early election Phase I NO_x limitation of 0.50 lbs/MMBtu, on an annual average basis, which was effective through 12-31-2007. Per 40 C.F.R. § 76.8, on January 1, 2008, Boiler 1 became subject to a new NO_x limit of 0.46 lb/MMBtu, on an annual average basis. Boiler 2 does not burn coal and is therefore only subject to the sulfur emission requirements of the Acid Rain Program. All necessary conditions and requirements will be included in the Acid Rain Permit.

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

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

26-00535: Duke Energy Fayette II, LLC (P. O. Box 511, Masontown, PA 15461) for a Title V Operating Permit and Phase II Acid Rain Permit for operation of a natural gas fired power plant, known as the Fayette Energy Center, in German Township, **Fayette County**.

The facility contains air contamination sources consisting of two 1,745 MMBTU/hour combustion gas turbines (CGT), operating in combined cycle with a 589 MMBTU/hour duct burner and heat recovery steam generator following each CGT, one 30.6 Btu/hour auxiliary boiler, one 265-bhp, diesel firewater pump engine, one 489-bhp, diesel emergency generator engine, and cooling towers. The nominal electrical generation capacity of each CGT system is 310 MW. The turbines are equipped with dry, low NO_x combustors. Turbine exhaust gases are treated with selective catalytic reduction (SCR) for NO_x control, and an oxidation catalyst for VOC and CO control. The facility is limited to a maximum opacity from any processing equipment of 10 percent. This facility has the potential to emit the following type and quantity of pollutants: 313 tons per year of PM₁₀, 296 tons per year of NO_x, 581 tons per year of CO, 90 tons per year of VOC, 31 tons per year of SO₂, 4.38 tons per year of formaldehyde, 166 tons per year of ammonia, and 2,282,000 tons of CO₂e greenhouse gases. No equipment or emission changes are being approved by this action. The facility is subject to 40 CFR 60, Subpart GG—Standards of Performance for Standards of Performance for Stationary Gas Turbines, 40 CFR 60, Subpart Da—Standards of Performance for Electric Utility Steam Generating Units, 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR 64—Compliance Assurance Monitoring, as well as state requirements. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, and reporting requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Major Source Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh,

PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit OP-26-00535), and a concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under 25 Pa. Code § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

11-00378: Inter-Power/Ahlcon Partners LP—Colver Power Project (141 Inter-Power Drive, Colver, PA 15927) in accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-11-00378) to Inter-Power to authorize the operation of the Colver Power Project located in Cambria Township, **Cambria County**.

The facility's main sources include one 110 megawatt pulverized coal-fired electric generating unit, one boiler, one thermal fuel dryer, one diesel generator, one diesel fire pump, fuel and limestone handling equipment, and other smaller sources. The Ahlstrom-Pyropower CFB boiler includes limestone injection for SO₂ control and ammonia injection for NO_x control. A Brandt Filtration baghouse is used to control particulate emissions.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 1,264 tons carbon monoxide, 938 tons nitrogen oxides, 2,918 tons sulfur oxides, 89 tons particulate matter, 47 tons volatile organic compounds, 171.24 tons hazardous air pollutants, including 170 tons hydrochloric acid, 1.2 tons hydrofluoric acid, 72 pounds lead, less than 1 pound mercury, 3 tons ammonia, and 1,366,481 tons carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify TVOP-11-00378) and a concise

statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

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

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

16-00127: Piney Creek Limited Partnership—Piney Creek Power Plant (428 Power Lane, Clarion, PA 16214) for a Title V Operating Permit Re-issuance to operate an Electric Energy Generating Facility, in Piney Township, **Clarion County**. The significant sources at this facility are a 450 MMBtu/hour fluidized bed combustor and the associated fuel and ash handling systems. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit.

The Clean Air Interstate Rule (CAIR) is now applicable to this source. This program limits NO_x and SO_x emissions from this facility through annual allocations. The annual CAIR NO_x Allowance for 2012 is 209 tons. This program also establishes Seasonal CAIR NO_x Allowances which for 2012 are 83 tons.

This source will be subject to 40 CFR 63 Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units. This subpart establishes national emission limitations and work practice standards for hazardous air pollutants (HAP) emitted from coal- and oil-fired electric utility steam generating units (EGUs) as defined in § 63.10042 of this subpart. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations. As an existing EGU, Source ID: 031—Fluidized Bed Combustor must comply with this subpart no later than April 16, 2015. Because the specific methods of compliance have yet to be established, the requirements of Subpart UUUUU have been included in the operating permit by reference only. As the compliance date approaches and the applicability of the specific requirements become clearer, the permit will be reopened to incorporate the necessary language.

The potential emissions from this facility are as follows: 46.1 TPY TSP; 209 TPY NO_x; 1776 TPY SO₂; 389 TPY CO; 42 TPY VOC, 10 TPY Ammonia, and 45 TPY HCl.

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

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

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

22-03017: Hoover Funeral Homes & Crematory, Inc. (6011 Linglestown Road, Harrisburg, PA 17112-1208) for operation of a human crematorium in Lower Paxton

Township, **Dauphin County**. This is a renewal of their State-Only Operating Permit issued in 2007.

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

The subject facility has the potential-to-emit 1.30 tpy of CO, 1.55 tpy NO_x, 0.31 tpy PM₁₀, 0.48 tpy SO_x, & 0.11 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

36-05123: Corixa Corp.—dba Glaxosmithkline Biologicals NA (325 North Bridge Street, Marietta, PA 17547-1134) for their pharmaceuticals manufacturing facility in East Donegal Township, **Lancaster County**. This is a renewal of their State-Only Operating Permit issued in 2007.

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

The subject facility has actual emissions around 0.4 tpy PM₁₀, 2.6 tpy of CO, 11.2 tpy NO_x, 0.8 tpy SO_x, & 0.3 tpy VOC. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial-Institutional Steam Generating Units, 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines & 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

01-05026: Bituminous Paving Materials/Handover Company (100 Green Springs Road, Adam, PA 17331) for operation of drum mix asphalt and aggregate storage and handling for the facility in Berwick Township, **Adams County**.

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

The annual emissions in year 2011 were 20 tons of CO, 1.2 tons of NO_x, 0.23 tons of SO_x, 0.2 tons of PM, and 0.4 tons of VOC. The asphalt plant is subject to 40 CFR Part 60, Subpart I for hot mix asphalt facilities. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Daniel C. Husted, 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.

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

32961302 and NPDES No. PA0214949. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 703.5, Subsidence Control Plan Acres Proposed 712.8. No additional discharges. The application was considered administratively complete on June 19, 2012. Application received: August 1, 2011.

32850701 and NPDES No. PA0213683. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To renew the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 20, 2012. Application received: January 1, 2012.

10841302 and NPDES No. PA0002780. ArcelorMittal Pristine Resources, Inc., (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948). To renew the permit for the Fawn Mine #91 in Clinton Township, **Butler County** and related NPDES permit for reclamation/water treatment only. No additional discharges. The application was considered administratively complete on June 22, 2012. Application received: November 1, 2011.

32111301 and NPDES No. PA0236144 and GP12-3211301. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). To operate the Ainsley Mine in South Mahoning and West Mahoning Townships, **Indiana County** a new underground mine and related NPDES permit. Includes authorization for an Air Quality PA/GP12 General Permit. Surface Acres Proposed 117.0, Underground Acres Proposed 4,367.6, Subsidence Control Plan Acres Proposed 4,367.6. Receiving Streams: Little Mahoning Creek and Ross Run, classified for the following use: HQ-CWF and Unnamed Tributary to North Branch of Plum Creek, classified for the following use: CWF. The application was considered administratively complete on June 26, 2012. Application received: February 16, 2011.

03871303 and NPDES No. PA0213667. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Darmac No. 2 Deep Mine in Plumcreek and Washington Townships, Armstrong County and Armstrong Township and Shelocta Borough, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 27, 2012. Application received: June 27, 2012.

32041301 and NPDES No. PA0235644. Western Allegheny Energy, LLC, (301 Market Street, Kittanning, PA 16201). To revise and transfer the permit and related NPDES permit for the Brush Valley Mine in Center and Brush Valley Township, **Indiana County** to add underground permit and subsidence control plan acres. The mine and related NPDES permit are being transferred from Rosebud Mining Company. Underground Acres Proposed 1,857, Subsidence Control Plan Acres Proposed 3,359. No additional discharges. The application was considered administratively complete on June 27, 2012. Application received: January 30, 2012.

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

56100105. NPDES No. PA0263079 and General Permit GP-12-56100105, Wilson Creek Energy, LLC, 140 West Union Street, Somerset, PA 15501, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Black Township, **Somerset County**, affecting 140.3 acres. Receiving stream(s): Wilson Creek and Coxes Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2012.

56070101. NPDES No. PA0262277, Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and

auger mine in Paint Township, **Somerset County**, affecting 223.3 acres. Receiving stream(s): unnamed tributaries to Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 5, 2012.

11120202 and NPDES No. PA0269085. Maple Coal Company, 254 Interpower Drive, Colver, PA 15927, commencement, operation and restoration of a bituminous surface refuse reprocessing mine in Blacklick and Barr Townships, **Cambria County**, affecting 48 acres. Receiving stream(s): Elk Creek to North Branch of Blacklick Creek to Blacklick Creek to Conemaugh River classified for the following use(s): cold water fishery, trout stocked fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a request to mine existing coal refuse, install erosion and sedimentation controls and the placement of CFB ash within the 100' barrier of Elk Creek and within the 100' barrier of Unnamed Tributary #2 to Elk Creek. The stream variance request to affect within the 100' barrier area of Elk Creek is located approximately 3,700' from the above-referenced private road intersection with Snake Road (SR 4002) at an existing 48" CMP culvert that conveys Elk Creek under the private road and the variance area is approximately 550' downstream and 1,650' upstream from this culvert crossing. The 100' variance area on the Unnamed Tributary #2 to Elk Creek begins at the confluence of the unnamed tributary and Elk Creek and continues upstream for approximately 650'. Application received: May 31, 2012.

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

65-09-02 and NPDES Permit No. PA0251861. Britt Energies, Inc. (57 S Ninth St., Suite 3, Indiana, PA 15701). Revision application for land use change from forestland to unmanaged natural habitat to an existing government financed construction contract, located in Derry Township, **Westmoreland County**, affecting 8.7 acres. Receiving streams: unnamed tributaries to Conemaugh River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: June 25, 2012.

65100101 and NPDES Permit No. PA0251887. Britt Energies, Inc. (57 S Ninth St., Suite 3, Indiana, PA 15701). Revision application for land use change from forestland to pastureland or land occasionally cut for hay to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 69.6 acres. Receiving streams: unnamed tributary to McGee Run and Conemaugh Rive, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: June 27, 2012.

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

54970204R3 and NPDES Permit No. PA0225291. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite refuse reprocessing operation in Reilly and Foster Townships, **Schuylkill County** affecting 265.0 and includes the addition of a non-discharge NPDES Permit for discharge of treated mine drainage, receiving streams: Coal Run, Middle Creek and Gebhard Run, classified for the following use: cold water fishes. Application received: June 5, 2012.

54-305-027GP12. EmberClear Reserves, Inc., (72 Glenmaura National Boulevard, Moosic, PA 18507), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54851336 in Porter and Frailey Townships, **Schuylkill County**. Application received: June 5, 2012.

54970101R3 and NPDES Permit No. PA0223832. Premium Fine Coal, Inc., (PO Box 268, Tamaqua, PA 18252), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Schuylkill Township, **Schuylkill County** affecting 727.0 acres, receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: June 7, 2012.

Noncoal Applications Received

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

4975SM5 and NPDES Permit No. PA0612430, Glen-Gery Corporation, P. O. Box 7001, Wyomissing, PA 19610-6001, renewal of NPDES Permit, Oxford Township, **Adams County**. Receiving stream(s): unnamed tributary to South Branch Conewago Creek classified for the following use(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is New Oxford Municipal Authority. Application received: April 13, 2012. Permit issued: June 19, 2012.

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

26050401 and NPDES Permit No. PA0250643. Laurel Aggregates of Delaware, LLC (1600 Market Street, 38th Floor, Philadelphia, PA 19102). Application received for transfer of permit currently issued to Laurel Aggregates, Inc. for continued operation and reclamation of a noncoal surface mining site located in Springhill Township, **Fayette County**, affecting 110.5 acres. Receiving streams: Rubles Run Basin, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: June 12, 2012.

26970401 and NPDES Permit No. PA0202100. Laurel Aggregates of Delaware, LLC (1600 Market Street, 38th Floor, Philadelphia, PA 19102). Application received for transfer of permit currently issued to Laurel Aggregates, Inc. for continued operation and reclamation of a noncoal surface mining site located in Springhill Township, **Fayette County**, affecting 871.8 acres. Receiving streams: Rubles Run Basin, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: June 12, 2012.

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

08120303 and NPDES 08120303GP-104. Keystone Rock & Excavation, LLC (12101 Route 6, Troy, PA 16947). Commencement, operation and restoration of a large noncoal surface mine (shale and sandstone) operation in West Burlington Township, **Bradford County**

affecting 83.9 acres. Receiving streams: Unnamed Tributaries to Sugar Creek and Sugar Creek classified as Trout Stocking and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2012.

08010807. Lawrence Lyons (RR 2 Box 1115, Little Meadows, PA 18830-9731). Final bond release for a small industrial minerals surface mine, located in Herrick Township, **Bradford County**. Restoration of 2.0 acres completed. Receiving streams: Willow Run. Application received on January 12, 2012. Final bond release: June 22, 2012

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

58900303C6 and NPDES Permit No. PA0225304. Cecil Kilmer, (363 SR 374, Nicholson, PA 18446), correction to an existing quarry operation to include and NPDES Permit for discharge of treated mine drainage from a quarry operation in New Milford Township, **Susquehanna County** affecting 25.6 acres, receiving stream: Salt Lick Creek, classified for the following use: HQ cold water fishes and migratory fishes. Application received: June 8, 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* | | greater than 6.0; less than 9.0 | |
| pH* | | | |

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associ-

ated 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. PA0214949 (Mining Permit No. 32961202), AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). A renewal to the NPDES mining and activity permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County**. Surface Acres Affected 78.1, Underground Acres Affected 2,077.4. Receiving stream: Ferrier Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on March 21, 2012. 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 coal mining activities.

Outfall 001 discharges to: Ferrier Run

The proposed effluent limits for Outfall 001 (Lat: 40° 33' 50" Long: 79° 05' 43") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 0.4 | - |
| Iron (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | | 0.75 | 1.5 | 1.9 |
| Dissolved Iron (mg/l) | | 0.3 | 0.6 | 0.8 |
| Settleable Solids (ml/l) | | 0.3 | 0.5 | 0.6 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

Outfall 002 discharges to: Ferrier Run

The proposed effluent limits for Outfall 002 (Lat: 40° 33' 55" Long: 79° 05' 48") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 0.5 | - |
| Iron (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | | 0.75 | 1.5 | 1.9 |
| Dissolved Iron (mg/l) | | 0.3 | 0.6 | 0.8 |
| Settable Solids (ml/l) | | 1.3 | 0.5 | 0.6 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |
| Total Dissolved Solids (mg/l) | | 875 | 1750 | 2188 |
| Sulfates (mg/l) | | 550 | 1100 | 1375 |

Outfall 003 discharges to: Ferrier Run

The proposed effluent limits for Outfall 003 (Lat: 40° 33' 40" Long: 79° 05' 21") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 0.4 | - |
| Iron (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | | 0.75 | 1.5 | 1.9 |
| Dissolved Iron (mg/l) | | 0.3 | 0.6 | 0.8 |
| Settable Solids (mg/l) | | 0.3 | 0.5 | 0.6 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

Outfall 004 discharges to: Ferrier Run

The proposed effluent limits for Outfall 004 (Lat: 40° 33' 44" Long: 79° 05' 21") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 0.84 | - |
| Iron (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | | 0.75 | 1.5 | 1.9 |
| Dissolved Iron (mg/l) | | 0.3 | 0.6 | 0.8 |
| Settable Solids (mg/l) | | 1.3 | 0.5 | 0.6 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |
| Total Dissolved Solids (mg/l) | | 875 | 1750 | 2188 |
| Sulfates (mg/l) | | 550 | 1100 | 1375 |

Outfall 005 discharges to: Ferrier Run

The proposed effluent limits for Outfall 005 (Lat: 40° 33' 43" Long: 79° 05' 14") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 0.2 | - |
| Iron (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | | 0.75 | 1.5 | 1.9 |
| Dissolved Iron (mg/l) | | 0.3 | 0.6 | 0.8 |
| Settable Solids (mg/l) | | 0.3 | 0.5 | 0.6 |
| Total Dissolved Solids (mg/l) | | 35 | 70 | 90 |

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

NPDES No. PA0269018 (Mining permit no. 56120108), Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, new NPDES permit for a bituminous surface mine in Adams and Paint Townships, **Cambria** and **Somerset Counties**, affecting 163.9 acres. Receiving stream(s): unnamed tributary to and Paint Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 2, 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 treated wastewater outfall(s) listed below discharge to Paint Creek.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 003 (TF-D) | Y |
| 006 (TF-E) | Y |
| 007 (TF-F) | Y |
| 008 (TF-G) | Y |

The treated wastewater outfall(s) listed below discharge to unnamed tributary to Paint Creek.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 009 (TF-H) | Y |

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

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 1.5 | 3.0 | 3.5 |
| Manganese (mg/l) | 1.0 | 2.0 | 2.5 |

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Aluminum (mg/l) | 0.75 | 1.5 | 1.9 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

The stormwater outfall(s) listed below discharge to Paint Creek.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 001 (SP-4) | N |
| 002 (SP-5) | Y |
| 004 (SP-6) | Y |

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

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 005 (SP-7) | Y |

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

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 1.5 | 3.0 | 3.5 |
| Manganese (mg/l) | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | 0.75 | 1.5 | 1.9 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

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

NPDES No. PA0252131 (GFCC Application no. 65-06-05), Coal Loaders, Inc., P. O. Box 556, Ligonier, PA 15658, new NPDES permit for a government financed construction contract in Ligonier Township, **Westmoreland County**, affecting 17.6 acres. Receiving stream: unnamed tributary to Hannas Run, classified for the following use: CWF. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: June 3, 2011.

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

The treated wastewater outfall(s) listed below discharge to unnamed tributary to Hannas Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>TYPE</i> |
|---------------------|--------------------------|-------------|
| 001 | Y | MDT |

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

| <i>Outfalls: 001 Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 1.5 | 3.0 | 3.8 |
| Manganese (mg/l) | 1.0 | 2.0 | 2.5 |
| Aluminum (mg/l) | 0.75 | 1.5 | 1.9 |
| Total Suspended Solids (mg/l) | 35 | 70 | 90 |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

The stormwater outfall(s) listed below discharge to unnamed tributary to Hannas Run:

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> | <i>TYPE</i> |
|---------------------|--------------------------|-------------|
| 001 | Y | E & S |

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

| <i>Outfalls: 001 Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | | | 3.8 |
| Manganese (mg/l) | | | 2.5 |
| Aluminum (mg/l) | | | 1.9 |
| Total Suspended Solids (mg/l) | | | 0.5 mg/l |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

Noncoal NPDES Draft Permits

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

NPDES No. PA0122351 on Surface Mining Permit No. 7976SM2. Eureka Stone Quarry, Inc., (PO Box 249, Chalfont, PA 18914), revision and renewal of an NPDES Permit for an Argillite Quarry operation in Warrington Township, **Bucks County**, affecting 121.0 acres. Receiving stream: unnamed tributary to Neshaminy Creek, classified for the following uses: trout stocking fishery and migratory fishes. Application received: March 8, 2012.

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

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

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 001 | No | Groundwater |
| 002 | No | E&S |

NPDES No. PA0593893 on Surface Mining Permit No. 48870301. Haines & Kibblehouse, Inc., (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a Limestone Quarry operation in Lower Mt. Bethel Township, **Northampton County**, affecting 291.24 acres. Receiving streams: Mud Run, classified for the following use: cold water fishes and Delaware River, classified for the following use: warm water fishes. Application received: June 1, 2012.

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

The outfall(s) listed below discharge to Mud Run and Delaware River.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| ABE-SB-1 | No | E&S |
| ABE-SB-2 | No | E&S |

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

E09-962 North Wales Water Authority, 200 W. Walnut Street, P. O. Box 1339, North Wales, PA 19454-0339, New Britain Townships, Chalfont Borough, **Bucks County**, ACOE Philadelphia District.

Forest Park Transmission Line Expansion Project

To construct and maintain approximately 53,000 linear feet of waterline and appurtenances which will begin as a 42-inch at the Forest Park Water Treatment Plant in Chalfont, Bucks County and extend to and parallel County Line Road to a connection with a 30-inch water line to be installed by the Bucks County Water and Sewer Authority (BCWSA) in Warrington Township, Bucks County. The water transmission line will cross Chalfont Borough, New Britain and Warrington Townships.

This work includes crossing of seven streams and one wetland using the open trench method. The stream crossings are to be constructed under: North Branch Neshaminy Creek (TSF, MF), unnamed tributary to the West Branch Neshaminy Creek (WWF, MF), West Branch Neshaminy Creek (WWF, MF), Reading Creek (WWF, MF), Park Creek (WWF, MF), unnamed tributary to Little Neshaminy Creek (WWF, MF), Little Neshaminy Creek (WWF, MF), and a wetland adjacent to the North Branch Neshaminy Creek.

The origin of the site is located at the Forest Park Treatment Plant in Chalfont Borough, Bucks County (Doylestown, PA USGS Quadrangle N: 7.5 inches; W: 11.25 inches) and will end at the BCWSA's connection in Warrington Township, Bucks County (Ambler, PA USGS Quadrangle N: 15.8 inches; W: 1.9 inches).

E23-498. Eastern University, 1300 Eagle Road, St. Davids, PA 19087, Radnor Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain an approximately 32-foot long, 12-foot span, and 6-foot high bottomless culvert and a 38-foot long, 28-foot wide, 7.5-foot rise box culvert across Gulf Creek and its tributary associated with extension of the internal Loop Road through the Eastern University campus.

The site is located inside the campus at 1300 Eagle Road (Norristown, PA USGS Quadrangle N: 4.5 inches; West 7.5 inches).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E01-303: Pa. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, Pennsylvania 17103, in Cumberland and Freedom Townships, **Adams County**, U.S. Army Corps of Engineers, Baltimore District

To: 1) remove the existing bridge and construct and maintain a two span bridge having a clear span of 257.00 feet, a width of 29.00 feet, and a minimum underclearance of 4.77 feet across Marsh Creek (CWF, MF) approximately 50.0 feet downstream of the existing alignment, 2) realign approximately 735.0 linear feet of an unnamed tributary to Marsh Creek (CWF, MF) cumulatively impacting approximately 3,517.0 square feet of stream channel, and 3) place and maintain approximately 217,000.0 cubic feet of fill in the right floodplain and 33,000.0 cubic feet of fill in the left floodplain of Marsh Creek, all for the purpose of improving transportation safety and roadway standards. The project will involve the use of temporary causeways, cofferdams, and shoring within the Marsh Creek, all of which will be removed upon project completion. The project is located along SR 3008 (Cunningham Road) (Fairfield, PA Quadrangle; N: 2.75 inches, W: 4.75 inches; Latitude: 39°45'56" N, Longitude: -77°17'04" W) in Cumberland and Freedom Townships, Adams County.

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

E25-749, PA DOT, District 1-0, 255 Elm Str., Oil City, PA 16301. SR 2008 Section 000 unnamed tributary to French Creek Bridge Replacement, in Union Township, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 41°, 53', 49.3"; W: 79°, 51', 47.2").

To remove the existing steel girder bridge and construct and maintain a 20.0 foot x 5.0 foot precast reinforced concrete box culvert with an out to out length of 54.0 feet along SR 2008 Segment 0040 offset 1918 across an unnamed tributary to French Creek (CWF) permanently impacting 0.007 acre of palustrine emergent (PEM) wetland, approximately 1/2 mile west of Union City located in Union Township, Erie County.

E42-357, Keating Township, PO Box 103, East Smethport, PA 16730. Keating Township Wastewater Collection and Treatment Project Phase II West Side, in Keating Township, **McKean County**, ACOE Pittsburgh District (Cyclone, Derrick City & Smethport, PA Quadrangle N: 41°, 49', 06"; W: 78°, 35', 07").

To construct and maintain Phase II of a wastewater collection and treatment facility to include the directional drilling of 19 stream crossings of low pressure pipelines (1.5" to 6" dia.) servicing 351 individual homes adjacent to SR 646 & SR 59 in and around the villages of Ormsby,

Cyclone, Gifford & Aiken; along SR 59 west of the Borough of Smethport; and adjacent to East Valley Rd. north and east of the Town of Smethport and including: 14 total crossings of small and medium UNT to Blacksmith Run, Potato Creek and Panther Run, 5 total crossings of Potato Creek and Blacksmith Run and 6 total wetland crossings.

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

E4129-040 EQT Production Company, 455 Race-track Road, Suite 101, Washington, PA 15301, Porter Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a surface water withdrawal impacting 199 square feet of Pine Creek (EV) (Jersey Shore Quadrangle 41°12'38"N 77°18'35"W). The proposed withdrawal will include a removable hose and intake screen placed on the stream bed;

2) an 8 inch above ground waterline, impacting 5 linear feet of an unnamed tributary to Pine Creek (HQ-CWF) (Jersey Shore Quadrangle 41°12'38"N 77°18'35"W).

The project will result in 18 linear square feet of stream impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

E5829-029: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Rush Township, **Susquehanna County**, ACOE Baltimore District.

To construct and maintain:

1. an 8 inch diameter natural gas pipeline and temporary bridge crossing impacting 9,867 square feet (0.23 acre) of a PEM, PSS, and PFO wetland (Lawton, PA Quadrangle; Lat. 41° 48' 38", Long. -76° 2' 5");

2. an 8 inch diameter natural gas pipeline and temporary bridge crossing impacting 122 lineal feet of an unnamed tributary to East Branch Wyalusing Creek (Lawton, PA Quadrangle; Lat. 41° 48' 38", Long. -76° 2' 6");

3. an 8 inch diameter natural gas pipeline and temporary bridge crossing impacting 2,950 square feet (0.07 acre) of a PEM wetland (Lawton, PA Quadrangle; Lat. 41° 48' 30", Long. -76° 2' 13");

4. an 8 inch diameter natural gas pipeline crossing impacting 2,048 square feet (0.05 acre) of a PEM wetland (Lawton, PA Quadrangle; Lat. 41° 48' 9", Long. -76° 2' 36").

The Parks natural gas pipeline project will gather natural gas from the O'Dowd and Richard well pads and convey it to the Devine Ridge trap site to the North located in Rush Township, Susquehanna County. The project will result in 122 linear feet (597 square feet) of temporary stream impacts and a total of 0.34 acre (14,865 square feet) of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line.

E5829-030: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Auburn Township, **Susquehanna County**, ACOE Baltimore District.

To construct and maintain:

1. a 10 inch diameter natural gas pipeline impacting 452 square feet (0.01 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 27", Long. -76° 04' 37");

2. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 4,986 square feet (0.11 acre) of a PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 29", Long. -76° 05' 29");

3. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 2,729 square feet (0.06 acre) of a PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 42", Long. -76° 06' 02");

4. a 10 inch diameter natural gas pipeline and temporary bridge crossing impacting 150 lineal feet of Transue Creek (Lawton, PA Quadrangle; Lat. 41° 41' 41", Long. -76° 06' 00");

5. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 5,975 square feet (0.14 acre) of a PEM/PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 48", Long. -76° 06' 35");

6. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 574 square feet (0.01 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 42' 02", Long. -76° 07' 13");

7. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,267 square feet (0.03 acre) of a PEM/PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 53", Long. -76° 06' 57");

8. a 10 inch diameter natural gas pipeline impacting 1,766 square feet (0.04 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 30", Long. -76° 07' 13").

The Jaishawoo gathering line project will convey natural gas from the Ramblin Rose and Susan well pads and convey it to the Verex Pipeline located in Auburn Township, Susquehanna County and ultimately to the Tennessee Gas Transmission Line. The project will result in 230 linear feet (2,104 square feet) of temporary stream impacts and a total of 0.41 acre (17,749 square feet) of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line.

E5829-031: Bluestone Pipeline Company of Pennsylvania, LLC, One Energy Plaza, 1722 WCB, Detroit, Michigan, 48226-1211, Lenox, Harford, and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain the Bluestone Gathering System-Phase III natural gas pipeline project, which includes the following impacts:

1) 12,650 square feet of temporary impacts and 5,500 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill within the wetlands for the construction of a natural gas meter station (Lenoxville, PA Quadrangle, N41°42'53.0", W75°43'58.9");

2) 173.0 linear feet of UNTs to Millard Creek (CWF, MF) and 4,800 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'10.9", W75°44'00.1");

3) 76.0 linear feet of a UNT to Millard Creek (CWF, MF) and 1,300 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'16.5", W75°44'01.4");

4) 80.0 linear feet of a UNT to Millard Creek (CWF, MF) via open cut trenching and temporary timber mat-

ting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'28.0", W75°44'11.6");

5) 450 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'36.3", W75°44'16.6");

6) 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'51.5", W75°44'24.2");

7) 100.0 linear feet of UNTs to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'08.0", W75°44'41.3");

8) 75.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'21.0", W75°44'33.9");

9) 133.0 linear feet of UNTs to Martins Creek (CWF, MF), 450 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 900 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'26.8", W75°44'31.3");

10) 135.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'41.6", W75°44'21.0");

11) 2,600 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'45.0", W75°44'24.6");

12) 50.0 linear feet of a UNT to Martins Creek (CWF, MF), and 1,750 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'00.1", W75°44'24.1");

13) 79.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'50.1", W75°44'17.6");

14) 198.0 linear feet of UNTs to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'55.3", W75°44'16.7");

15) 88.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'58.2", W75°44'16.2");

16) 156.0 linear feet of UNTs to Martins Creek (CWF, MF) and 11,750 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'02.3", W75°44'07.8");

17) 85.0 linear feet of a UNT to Martins Creek (CWF, MF) and permanent impacts to 1,300 square feet of Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'11.7", W75°44'28.4");

18) 3,500 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'27.4", W75°44'48.8");

19) 84.0 linear feet of East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'28.4", W75°44'49.9");

20) 75.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF), 450 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands, 2,600 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 450 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'29.0", W75°44'50.6");

21) 99.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'29.7", W75°44'51.4");

22) 74.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) and 12,200 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'32.0", W75°44'53.8");

23) 450 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'33.9", W75°44'52.9");

24) 5,650 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'35.5", W75°44'50.8");

25) 54.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'39.3", W75°44'50.7");

26) 79.0 linear feet of East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'54.1", W75°44'46.5");

27) 79.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'04.3", W75°44'35.7");

28) 48.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) for a construction access road (Harford, PA Quadrangle, N41°47'13.2", W75°44'17.9");

29) 27.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) for a construction access road (Harford, PA Quadrangle, N41°47'18.1", W75°44'34.7");

30) 157.0 linear feet of UNTs to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'26.3", W75°44'31.7");

31) 6,950 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'47.2", W75°44'34.9");

32) 450 square feet of temporary impacts and 450 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'51.1", W75°44'36.9");

33) 80.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'53.6", W75°44'37.2");

34) 97.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°48'02.3", W75°44'35.2");

35) 104.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°48'04.9", W75°44'34.8");

36) 2,600 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°49'01.6", W75°44'09.7");

37) 92.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°49'26.2", W75°44'07.5");

38) 181.0 linear feet of UNTs to East Branch Martins Creek (CWF, MF), and 4,800 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°49'28.3", W75°44'09.5");

39) 265.0 linear feet of UNTs to Meylert Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°50'10.4", W75°43'39.3");

40) 61.0 linear feet of a UNT to Meylert Creek (HQ-CWF, MF) and 1,300 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road (Harford, PA Quadrangle, N41°50'19.2", W75°43'45.1");

41) 76.0 linear feet of a UNT to Meylert Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°50'30.3", W75°43'13.71");

42) 87.0 linear feet of a UNT to Wellmans Creek (HQ-CWF, MF), and 5,650 square feet of temporary impacts and 3,900 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°50'53.8", W75°42'53.0");

43) 97.0 linear feet of UNTs to Wellmans Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'05.6", W75°42'36.1");

44) 146.0 linear feet of UNTs to Wellmans Creek (HQ-CWF, MF), and 7,400 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one

12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'07.2", W75°42'34.0");

45) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'10.4", W75°42'30.5");

46) 224.0 linear feet of Wellmans Creek (HQ-CWF, MF) and 11,750 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'12.4", W75°42'26.0");and

47) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'14.6", W75°42'27.8").

The project will result in the following: 3,714.0 linear feet of stream impacts; 60,950 square feet (1.40 acres) of temporary impacts to Palustrine Emergent (PEM) Wetlands; 21,350 square feet (0.49 acre) of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 5,500 square feet (0.13 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands; 8,650 square feet (0.20 acre) of permanent impacts to Palustrine Scrub/

Shrub (PSS) Wetlands; 17,400 square feet (0.40 acre) of permanent impacts to Palustrine Forested (PFO) Wetlands; and 6,100 square feet (0.14 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands; all for the purpose of installing two steel natural gas lines, one HDPE water line, and associated access roadways for the development of Marcellus Shale natural gas.

WATER QUALITY CERTIFICATIONS REQUESTS

Requests for Certification under section 401 of the Federal Water Pollution Control Act

Southeast Regional Office: Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, telephone (484) 250-5970.

Certification Request Initiated by the Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3391.

Project Description/Location: This project involves the discharge of supernatant from the Fort Mifflin Confined Disposal Facility to the Schuylkill River. The project consists of maintenance dredging of the Schuylkill River Main Channel. Sediment will be dredged from the navigation channel to maintain the project depth of 33 feet, and dredged material will be hydraulically placed into the Fort Mifflin Confined Disposal Facility (CDF). Sediment will be retained in the DCF, and clarified supernatant will be returned to the River. The requested approval will be in effect for one year.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the

Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for 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.

| NPDES No. (Type) | Facility Name & Address | County & Municipality | Stream Name (Watershed No.) | EPA Waived Y/N? |
|-----------------------|---|--------------------------------------|--|--------------------|
| PA0062791 (IW) | Just Born Inc. 1300 Stefko Boulevard Bethlehem, PA 18017 | Northampton County Bethlehem City | Unnamed Tributary to Lehigh River (2-C) | Y |
| PA0029220 (Sewage) | Snydersville Diner WWTP 3209 Hamilton East Snydersville, PA 18360 | Monroe County Hamilton Township | Kettle Creek (1-E) | Y |
| PA0041912 (Sewage) | Deer Haven, LLC Rt. 507 Greentown, PA 18426 | Pike County Palmyra Township | Lake Wallenpaupack (1-C) | N |

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 |
|---------------------|---|-------------------------------------|------------------------------|-------------------|
| PA0027430 Sewage | Jeannette WWTP PO Box 294 Penn, PA 15675 | Westmoreland County Penn Borough | Brush Creek | N |
| PA0023141 Sewage | Hastings Area Sewer Authority PO Box 559 Hastings, PA 16646 | Cambria County Hastings Borough | Brubaker Run | N |

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

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

NPDES Permit No. PA0057878, SEW, **Kevan Price**, 52 Hafler Road, Sellersville, PA 18960.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 500 GDP of treated sewage from a facility known as Price SRSTP to Unnamed Tributary to Ridge Valley Creek in Watershed 3-E.

NPDES Permit No. PA0010961, IW, **SPS Technologies, LLC**, 301 Highland Avenue, Jenkintown, PA 19046-2630.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge storm water and ground water from a facility known as SPS Technologies-Jenkintown Plant to Unnamed Tributary to Tacony Creek (locally known as Baeder Creek, Outfall 002) and Tacony Creek (Outfalls 004, 006, 007, 008 and 009) in Watershed 3-J.

NPDES Permit No. PA0040991 A-2, IW, **Monroe Energy, LLC**, P. O. Box 2197, Trainer, PA 19061.

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

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge treated Stormwater runoff from a facility known as Philadelphia Terminal G Street Facility to Frankford Creek in Watershed 3J.

NPDES Permit No. PA0053538 A-2, IW, **Merck Sharp & Dohme Corp.**, 770 Sumneytown Pike, P. O. Box 4, WP20-205, West Point, PA 19486-0004.

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

Description of Proposed Action/Activity: Approval for a minor amendment/transfer of the NPDES permit to reflect permittee's change in tax ID resulting from a merger and is authorized to discharge from a facility known as Merck Sharp & Dohme West Point PA, to Wissahickon And Towamencin Creeks in Watershed 3-F and 3-E.

NPDES Permit No. PA0011231 A-2, IW, **Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061.

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

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge industrial Wastewater from a facility known as Chelsea Pipeline Station and Tank Farm to Boozers Run a Tributary to Marcus Hook Creek in Watershed 3-G.

NPDES Permit No. PA0012637 A-2, IW, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061-5052.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge industrial Wastewater from a facility known as Trainer Refinery to Marcus Hook Creek, Delaware River Estuary Zone 4 and Stony Creek in Watershed 3-G.

NPDES Permit No. PA0051268, SEW, PA Historical & Museum Commission, P. O. Box 103, Washington Crossing, PA 18977.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 9,000 GDP of treated sewage from a facility known as Washington Crossing Historic Park Lower WWTP to Delaware River in Watershed 2E.

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

NPDES Permit No. PA0261718, Sewage, Winter Greenes Homeowners Association, 13520 Chads Terrace, Hagerstown, MD 21740.

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

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

NPDES Permit No. PA0020885 Amendment No. 4, 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 the Conodoguinet Creek in Watershed 7-B.

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

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

WQM Permit No. 1512409, Sewage, New Garden Township Sewer Authority, 299 Starr Road, Landenberg, PA 19350.

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

Description of Action/Activity: Construction of a sewage pumping station to convey domestic wastewater flow of 6,600 gpd via 3" force main.

WQM Permit No. 1512410, Sewage, Easttown Municipal Authority, 566 Beaumont Road, Devon, PA 19333.

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

Description of Action/Activity: Approval to demolish and rebuild the Spring Knoll pump station.

WQM Permit No. 2312403, Sewage, Cheyney University of Pennsylvania, 1837 University Circle, P. O. Box 200, Cheyney, PA 19319.

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

Description of Action/Activity: To upgrade the existing wastewater treatment plant to replace aging equipment and enable the plant to meet NPDES permit limits.

WQM Permit No. WQG02151201, Sewage, Little Washington Wastewater Company, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Installation of a new sanitary sewer grinder pump station and associated force main to discharge into an existing force main.

WQM Permit No. 1512411, Sewage, East Brandywine Township Municipal Authority, 1214 Horseshoe Pike, Downingtown, PA 19335.

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

Description of Action/Activity: Construction and operation of a pump station to pump 13,950 gallons per day.

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

WQM Permit No. 3512405, SIC Code 4952, Abington Region WW Authority, 200 Northern Boulevard PO Box 199, Chinchilla, PA 18410-0199.

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

Description of Proposed Action/Activity: This Project involves replacing and upgrading approximately 1600 feet of the Authority's main interceptor sewer. The existing 18-inch diameter line will be replaced with a new 30-inch diameter line with a peak instantaneous flow capacity of 22.12 million gallons per day.

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

WQM Permit No. 0605409 (11-1), Sewerage, **Kutztown Borough Berks County**, 45 Railroad Street, Kutztown, PA 19530-1112.

This proposed facility is located in Kutztown Borough, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approving the construction of sewage facilities consisting of new phosphorous removal facilities, ultraviolet disinfection system, emergency generator, and a new control building, maintenance building and garage. Flood proofing of process tanks will also be constructed.

WQM Permit No. 2811402, Sewerage, **Winter Greenes Homeowners Association**, 13520 Chads Terrace, Hagerstown, MD 21740.

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

Description of Proposed Action/Activity: Permit approving the construction / operation of sewage facilities consisting of a sewerage system serving a 100 lot development constructed as Phase 1 (31 single family homes) and Phase 2 (69 multi-family units). A STEP collection system serves Phase 1. Separate Orenco AdvanTex treatment systems are built for each phase.

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

WQM Permit No. 6011201, CAFO Operation 0241, **Troester Dairy, Leroy F. Troester, Jr.**, 175 Cannon Road, Mifflinburg, PA 17844-7714.

This proposed facility is located in Buffalo Township, **Union County**.

Description of Proposed Action/Activity: Troester Dairy, an existing dairy farm, has submitted a Water Quality Management (WQM) application for a manure storage facility (MSF) and four (4) manure transfer lines and a press screw solids separator (Fan Separator GMVH, Model PSS3.2-780). The 28-foot diameter, 14-foot deep, circular concrete MSF will hold a total stored volume of approximately 58,000 gallons of manure. The facility is designed with a leak detection system.

WQM Permit No. 4711401, SIC Code 1623, **Cooper Township Municipal Authority** Montour County, 19 Steltz Road, Danville, PA 17821-9132.

This proposed facility is located in Cooper Township, **Montour County**.

Description of Proposed Action/Activity: Construction of a new wastewater collection system that consists of 8" PVC gravity sewer, 1-1/2", 4", and 6" PVC force main, and three (3) pump stations to convey sanitary sewage from the Cooper Township Area to the Danville Municipal Authority wastewater treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------|-----------------------------------|
| PAS10-G259R-2 | Tattersall Development Group 1522 Tattersall Way West Chester, PA 10382 | Chester | West Bradford Township | Broad Run (EV) |
| PAI01 151128 | Sabre Healthcare Group 315 East London Grove Rd West Grove, PA 19390 | Chester | London Grove Township | East Branch White Clay Creek (EV) |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---|--|
| PAI023909015(2) | Lehigh County Authority 1053 Spruce St. P. O. Box 3348 Allentown, PA 18016 | Lehigh | City of Allentown, Upper Macungie Twp. and South Whitehall Twp. | Cedar Creek, HQ-CWF, MF |
| PAI024811008 | Moravian Academy 7 East Market St. Bethlehem, PA 18018 | Northampton | Bethlehem Twp. | Bushkill Creek, HQ-CWF, MF and Monocacy Creek, HQ-CWF, MF |

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|---------------------------------------|
| PAI034411001 | Mahlon Peachey Church of God in Christ Mennonite, Living Springs Congregation 602 River Road McVeytown, PA 17051 | Mifflin | Bratton Township | UNTs to Juniata River (HQ-CWF, MF) |

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 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 |
| 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 (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional 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 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges From the Application of Pesticides |

General Permit Type—PAG-02

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|----------------------|---|--|--|
| Warwick Township Bucks County | PAG0200 0905003-R | Mignatti Companies 2310 Terwood Drive Huntingdon Valley, PA 19006 | Little Neshaminy Creek (WWF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Doylestown Township Bucks County | PAG0200 0910074 | DBD Realty, Ltd., LLC 301 Oxford Valley Rd, Ste 501A Yardley, PA 19067 | Unnamed Tributary Neshaminy Creek (TSF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Phoenixville Borough Chester County | PAG0200 1512003 | Coventry Ridge, LP Hastings Investment Co., Inc., GP 1890 Rose Cottage Lane Malvern, PA 19355 | French Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-----------------------|---|--|--|
| Lower Oxford Township Chester County | PAG0200 1504016-RR | Woodstone Homes 70 Pottstown Pike Uwchland, PA 19480 | Leech Run, East Branch Octorara Creek (TSF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| West Nottingham Township Chester County | PAG0200 1512005 | Jose Daniel Beltran 101 New Garden Road Avondale, PA 19311-9705 | Unnamed Tributary Stone Run (TSF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Providence Township Delaware County | PAG0200 2309005 | Upper Providence Twp Sew Auth 935 North Providence Road Media, PA 19063 | Crum Creek (WWF); Ridley Creek (HQ-TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Merion Township Montgomery County | PAG0200 4612038 | Ben LePage 2301 Market Street Philadelphia, PA 19103 | Gulph Creek (CWF-WWF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0201 511204 | DAGRID, Inc., T/A David Tours and Travel 14005 McNulty Road Philadelphia, PA 19154 | Poquessing Creek (WWF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Saucon Twp., Lehigh County | PAG02003912005 | Upper Saucon Township Thomas Bell 5500 Camp Meeting Rd. Center Valley, PA 18034 | Saucon Creek, CWF, MF | Lehigh Co. Cons. Dist. 610-391-9583 |
| Borough of Slatington, Lehigh County | PAG02003910002(1) | Northern Lehigh School District Bryan Geist One Bulldog Lane Slatington, PA 18080 | Unnamed Tributary to Trout Creek, CWF, MF | Lehigh Co. Cons. Dist. 610-391-9583 |

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|---|
| Mount Joy Twp. Lancaster County | PAG02000109006(1) | Thomas Rumpitz Horizon Group Properties 5000 Hakes Drive, Suite 500 Muskegon, MI 49441 | UNT to Rock Creek/WWF, MF | Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636 |
| Maidencreek Twp. Berks County | PAG02000612012 | David Small Small Properties 160 South Centre Avenue Leesport, PA 19533 | Willow Creek/ CWF, MF | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Susquehanna Twp. Dauphin County | PAG02002212018 | UD Properties 750 East Park Drive Harrisburg, PA 17112 | Paxton Creek/ WWF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| Harrisburg City & Swatara Township Dauphin County | PAG02002212023 | The Harrisburg Authority 212 Locust Street, Suite 302 Harrisburg, PA 17101-7107 | Spring Creek/ CWF, MF & Susquehanna River/WWF, MF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |

NOTICES

4527

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

| | | | | |
|--|--------------------|--|----------------------------------|---|
| Lower Paxton Twp. Dauphin County | PAG02002210019R | Charles Gilmore 3900 Market Street Camp Hill, PA 17011 | Beaver Creek/ WWF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| Harrisburg City Dauphin County | PAG02002212021 | LandVEST Harrisburg, LLC PO Box 4677 Morgantown, WV 26505 | Susquehanna River/ WWF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| East Hanover Twp. Lebanon County | PAG02003812013 | Thomas Graby 26 Swatara Drive Annville, PA 17003 | Swatara Creek/ WWF | Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4 |
| Union Township Lebanon County | PAG02003809011(10) | Col. Samuel E. Hayes Training Site Headquarters Bldg. T-0-1, Fort Indiantown Gap Annville, PA 17003 | Aires Run/ Swatara Creek/ WWF | Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4 |
| Annville & North Annville Townships Lebanon County | PAG02003812011 | David Kaufman 800 Hershey Park Drive Hershey, PA 17033 | Quittapahilla Creek/TSF | Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4 |

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

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

| | | | | |
|-------------------------------------|-------------------|--|----------------------------|---|
| Sandy Township Clearfield County | PAG02001712007 | DeveloPac Inc Joe Varacallo 996 Beaver Dr DuBois PA 15801 | Beaver Run CWF | Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629 |
| City of DuBois Clearfield County | PAG02001712009 | Med Express Robert Basile 1751 Earl Core Rd Morgantown WV 26505 | Beaver Run CWF | Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629 |
| Duncan Township Tioga County | PAG02005911003(2) | Hydro Recovery-Antrim 7 Riverside Plz Blossburg PA 16912 | UNT to Wilson Creek CWF | Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5 |
| Middlesex Township Butler County | PAG02001012010 | Dewey Homes and Investment Properties LLC Attn: Ryan Dewey 251a Forsythe Road Valencia PA 16059 | Unt Glade Run WWF | Butler County Conservation District 724-284-5270 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|--|
| City of Erie Erie County | PAG02002512005 | Erie Western Port Authority 208 East Bayfront Parkway, Suite 201 Erie Pa 16507-2414 | Cascade Creek (Presque Isle Bay) WWF | Erie County Conservation District 814-825-6403 |
| Neshannock Township Lawrence County | PAG02003712006 | McDonalds Restaurant Attn: Mr. Gregg Prothch 1000 Omega Drive, Suite 1390 Pittsburgh PA 15205 | Shenango River WWF | Lawrence County Conservation District 724-652-4512 |

General Permit Type—PAG-3

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|--|
| Lock Haven City Clinton County | PAR404808 | American Color & Chemicals LLC Mount Vernon Street PO Box 88 Lock Haven, PA 17745 | Bald Eagle Creek 9-C | DEP Northcentral Regional Office Clean Water Program 208 W. Third St., Suite 101, Williamsport, PA 17701-6448 570.327.3664 |
| Muncy Borough Lycoming County | PAR314825 | Nabors Well Service dba Energy Contractors 735 Genesis Boulevard Bridgeport, WV 26330-9668 | Muncy Creek—10-D | DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664 |
| Chartiers Township Washington County | PAR506106 | Arden Landfill, Inc. 625 Cherrington Parkway Moon Township, PA 15108 | Chartiers Creek and UNT of Georges Run | Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |

General Permit Type—PAG-15

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> | <i>DEP Protocol (Y/N)</i> |
|-----------------------------|--|---------------|----------------------------------|--------------------------------|-----------------------------------|
| PAG153502 | Lake Heritage Property Owners Association 1000 Heritage Drive Gettysburg, PA 17325 | Adams | Mount Joy Township | Plum Run / WWF | Y |
| PAG153503 | Reading Area Water Authority Lake Ontelaunee 1801 Kutztown Road Reading, PA 19604 | Berks | Ontelaunee Township | Maiden Creek / WWF | Y |
| PAG153501 | Lake Meade Property Owners Association Inc. 4 Forrest Drive East Berlin, PA 17316 | Adams | Reading and Latimore Township | Mud Run / WWF | Y |

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

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

Permit No. 4612503, Public Water Supply.

| | |
|----------------------------|---|
| Applicant | Audubon Water Company 2650 Eisenhower Drive Norristown, PA 19403 |
| Township | Lower Providence |
| County | Montgomery |
| Type of Facility | PWS |
| Consulting Engineer | Evans Mill Environmental, LLC P. O. Box 735 Uwchland, PA 19480 |
| Permit to Construct Issued | June 19, 2012 |

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

Permit No. 4412502 MA, Minor Amendment, Public Water Supply.

| | |
|--------------|---|
| Applicant | Republic Development Corporation |
| Municipality | Granville Township |
| County | Mifflin |

| | |
|-----------------------------|--|
| Responsible Official | David M Bomberger PO Box 36 Mexico, PA 17056 |
| Type of Facility | Installation of 90' of 12" diameter contact pipe to provide adequate chlorine contact time. Demonstration of 4-Log Treatment of Viruses for GWR. |
| Consulting Engineer | Stephen R Morse, P.E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185 |
| Permit to Construct Issued: | 6/25/2012 |

Operations Permit issued to: **Hamburg Municipal Authority**, 3060035, Windor Township, **Berks County** on 6/21/2012 for the operation of facilities approved under Construction Permit No. 0610504 MA.

Operations Permit issued to: **Superior Water Company, Inc.**, 3060137, Washington Township, **Berks County** on 6/21/2012 for the operation of facilities approved under Construction Permit No. 0611509.

Operations Permit issued to: **Pequea Water Cooperative Association**, 7360138, Martic Township, **Lancaster County** on 6/21/2012 for the operation of facilities submitted under Application No. 3612516 MA.

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

Blossburg Municipal Authority (Public Water Supply), **Tioga County**: On June 29, 2012, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan Blossburg Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

Bloss Township Municipal Water Authority (Public Water Supply), **Tioga County**: On June 29, 2012, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan Bloss Township Municipal Water Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

Permit No. 1111505, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | West Carroll Water Authority PO Box 328 Elmora, PA 15737 |
| [Borough or Township] | West Carroll Township |
| County | Cambria |
| Type of Facility | Bakerton membrane plant |
| Consulting Engineer | Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602 |

Permit to Construct May 31, 2012
Issued

Permit No. 1111506, Public Water Supply.

Applicant **West Carroll Water Authority**
PO Box 328
Elmora, PA 15737

[Borough or Township] West Carroll Township

County **Cambria**

Type of Facility St. Benedict membrane plant

Consulting Engineer Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Permit to Construct June 14, 2012
Issued

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) Hempfield Township, **Westmoreland County** on June 11, 2012 for the operation of facilities approved under Construction Permit # 2611504MA.

Permit No. 5611523MA, Minor Amendment. Public Water Supply.

Applicant **Somerset Township Municipal Authority**
PO Box 247
Somerset, PA 15501

[Borough or Township] Somerset Township

County **Somerset**

Type of Facility Water system

Consulting Engineer CME Management LP
165 East Union Street
Suite 100
Somerset, PA 15501

Permit to Construct June 19, 2012
Issued

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

Operation Permit issued to **Fairview Township Water Authority**, PWSID #6250040, Fairview Township, **Erie County**. Permit Number 2511503 issued June 25, 2012 for the operation of Well No. 7, transmission line and connection of Well No. 5 to the Franklin Street Water Treatment Facility. This permit also approves 4-log treatment of viruses for Wells No 1 through 7 via Entry Point 101 in Fairview Township. A pre-operation permit inspection was performed by the Erie County Department of Health on June 1, 2012.

Operation Permit issued to **Greenville Mobile Home Park, Inc.**, PWSID #6430039, Hempfield Township, **Mercer County**. Permit Number 4391506-T1-MA1, issued June 27, 2012 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Iron Trac MHP1, LLC**, PWSID #5100017, Center Township, **Butler County**. Permit Number 1088501-T1-MA1, issued June 28, 2012 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Erie City Water Authority**, PWSID #6250028, City of Erie, **Erie County**.

Permit Number Emergency issued June 22, 2012 for the use of the proposed new additional intake structure within Lake Erie that will be installed on the existing intake transmission line, 1,400 feet closer to the Chestnut Water Treatment Plant. This permit is issued in response to an emergency permit application received by the Department of Environmental Protection on June 18, 2012. This authorization is only valid until November 1, 2012. Use of the structure after the aforementioned date will require the submission of a Water Supply Permit Application to the Department.

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

Public Notice of Proposed Consent Order and Agreement

Franklin Glass Site City of Butler, Butler Township, Butler County

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (CO&A) with Sechan Properties, Inc. ("Sechan Properties") concerning the investigation of a portion of the Franklin Glass Site.

In the past, hazardous substances were released at the Site and these substances contaminated the environment at the Site. The Department has investigated releases of arsenic and other hazardous substances from glass making wastes disposed at the Site. Sechan Properties owns land upon which glass making wastes were disposed by the Franklin Glass Company in the mid-1900s. Under the terms of the CO&A, Sechan Properties will perform a limited investigation of its land within the Site. The Department reserves its right to require further work relating to the investigation and cleanup of the Site.

The specific terms of this settlement are set forth in the CO&A between the Department and Sechan Properties. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with Sechan Properties shall be effective upon the date that the Department notifies Sechan Properties, in writing, that this Consent Order and Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the Department's Northwest Regional Office. Comments may be submitted, in writing, to Gary Mechtly, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, Pa 16335. Further information may be obtained by contacting Gary Mechtly, at 814.332.6648. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

William Penn Business Center (Recoil I-78 Tanker Spill), 7331 William Avenue, Upper Macungie Township, **Lehigh County**. Andrew Horwath, ECC Horizon, Inc., 520 Fellowship Road, Suite E-506, Mount Laurel, NJ 08054 has submitted a Final Report on behalf of his client, Lehigh Valley Investors, 53 State Street, 38th Floor, Boston, MA 02109, concerning the remediation of soil found to have been impacted by waste oil as a result of a spill of an overturned tanker truck. The report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil.

Phoebe Home, Inc., 1925 Turner Street, Allentown City, **Lehigh County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Final Report on behalf

of his client, Phoebe Home, Inc. 1925 Turner Street, Allentown, PA 18104, concerning the remediation of soil found to have been impacted by arsenic as a result of historical operations at former greenhouses located on the property. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Morning Call* on April 30, 2012.

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

1862 Rockvale Road, Lancaster, PA 17602, West Lampeter Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Weisenthal, LP, 1835 Pioneer Road, Lancaster PA 17602, submitted a Final Report for site soils and groundwater contaminated with gasoline from an unregulated underground storage tank. The Report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Reading School District Maintenance Garage, 717 Tulpehocken Street, Reading, PA 19601, City of Reading, **Berks County**. SSM Group, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19610, on behalf of Reading School District, 800 Washington Street, Reading, PA 19601, submitted a combined Remedial Investigation and Final Report for site soils and groundwater contaminated with petroleum hydrocarbons from unregulated underground storage tanks. The report is intended to document remediation of the site to meet the Site-Specific standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

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

achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Zaboy Property, 1755 Old Franklin Hill Road, Lower Mount Bethel Township, **Northampton County**. Ryan Winnan, Storb Environmental, Inc. 410 Easton Road, Willow Grove, PA 19090 submitted a Final Report on behalf of his client, Bonnie Zaboy, 1755 Old Franklin Hill Road, Bangor, PA 18013, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a spill during fuel oil delivery to an aboveground storage tank. The report documented attainment of the Statewide Health Standard for soil and groundwater and was approved on June 25, 2012.

Gesford 3 Well Site, Carter Road, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a 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 a release of diesel fuel and lubricating oil due to a failure in the fuel line supplying the diesel fuel to a mud pump. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on June 25, 2012.

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

Kroening Rental Property Lot #39 Montour Township, **Lycoming County**. Reliance Environmental, Inc., on behalf of Ms. Joy Kroening, 522 Montour Boulevard, Lot #39, Bloomsburg, PA 17815 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Cumene, Ethylbenzene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2012.

Safeguard Properties/Diane Traver Residence, Black Rock Environmental, LLC, PO Box 288, Nazareth, PA 18064 on behalf of Ms. Diane Traver, 1520 Old State Road, Millville, Pa 17846 has submitted a Final Report concerning the remediation of site soils contaminated with benzene, ethylbenzene, cumene, MTBE, naph-

thalene, toluene, 1,2,4-TMB, 1,3,5-TMB. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2012.

Southwest Region: David Eberle, Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Norwin Towne Square Dry Cleaner, North Huntington Township, **Westmoreland County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Norwin Shopping Center, Pittsburgh, PA has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with TCE and its degradation products from a former dry cleaning operation. The Final report demonstrated attainment of the Site-specific standard and was approved by the Department on June 26, 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.

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

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

48-302-106GP1: Gracedale Nursing Home (2 Gracedale Avenue, Nazareth, PA 18064-9213) on June 19, 2012, for the operation of three (3) Hurst 10MMBTU boilers at the site located in Upper Nazareth Twp., **Northampton County**.

58-310-061GP3: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on June 25, 2012, for the construction and operation of a Portable Crushing Operation with watersprays in New Milford Twp., **Susquehanna County**.

58-329-054GP9: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on June 25, 2012, for installation and operation of a Diesel I/C engine in New Milford Twp., **Susquehanna County**.

64-310-030GP3: Muschitz Excavating, Inc. (615 Moorestown Drive, Bath, PA 18014) on June 26, 2012 for construction and operation of a Portable Crushing Operation with watersprays at the site in Lake Twp., **Wayne County**.

64-329-007GP9: Muschitz Excavating, Inc. (615 Moorestown Drive, Bath, PA 18014) on June 26, 2012, for installation and operation of diesel IC engines at their site in Lake Twp., **Wayne County**.

66-310-031GP3: RES Earth & Cable LLC (11101 W. 120th Ave., Suite 400, Broomfield, CO 80020) on June 22, 2012, for construction and operation of a Portable Crushing Operation with watersprays in Noxen Twp., **Wyoming County**.

66-329-018GP9: RES Earth & Cable LLC (11101 W. 120th Ave., Suite 400, Broomfield, CO 80020) on June 22, 2012, for installation and operation of a Diesel I/C engine in Noxen Twp., **Wyoming County**.

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

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

GP3-18-205D: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 22, 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 Dunkle Construction Site in Lamar Township, **Clinton County**.

GP9-18-205D: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on June 22, 2012, to construct and operate one 100 brake horsepower Caterpillar model 3052 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 Dunkle Construction Site in Lamar Township, **Clinton County**.

GP5-14-01G: NCL Natural Resources, LLC. (25231 Grogan Mill Road, Suite 500, The Woodlands, TX, 77380-9110) on June 26, 2012, for construction and operation of 365 bhp natural-gas-fired four-stroke rich-burn Caterpillar model G3412NA compressor engine with a Maxim Silencer model QAC4-29-6 NSCR catalyst, 215 bhp natural-gas-fired four-stroke rich-burn Caterpillar model G3406NA compressor engine with Maxim Silencer model QAC4-21-6 NSCR catalyst, continued operation of a 1340 bhp Caterpillar model G3516LE four-stroke lean-burn natural-gas-fired compressor engine, continued operation of a 500 bhp natural-gas-fired four-stroke rich-burn Caterpillar model G398NA HCR compressor engine with a Miratech model IQ-18-10-EC1 NSCR catalyst, and continued operation of the 20 MMscf/day Exterran dehy with 0.5 MMBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the DeHaas Compressor Station in Curtin Township, **Centre County**.

GP5-08-299F: Appalachia Midstream Services, LLC (PO Box 18496, Oklahoma City, OK 73154-0496) on June 12, 2012, for the increased throughput of the 70 MMSCF/day TEG dehydration unit to 100 MMSCF/day, update emissions for all three of the dehydration units (100 MMSCF/day and two 120 MMSCF/day) to reflect current pump configurations and a more recent gas analysis, and include emissions from the produced water tanks, produced truck loading and fugitive emissions at the Evanchick Compressor Station located in Asylum Township, **Bradford County**.

GP5-17-517: Energy Corporation of America (1380 Route 286 Hwy E, Suite 221, Indiana, Pa 15701) on June 26, 2012, for construction and operation of a 400 brake horsepower, Waukesha model F-198GL, 4-stroke, rich-burn, natural gas-fired engine a 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 Ansonville Compressor Station in Jordan Township, **Clearfield County**.

GP3-18-00009A: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, Pa 17748-0209) on June 26, 2012, for construction and operation of a portable screener with three integral conveyors pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Wayne Township Landfill located in Wayne Township, **Clinton County**.

GP11-18-00009A: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, Pa 17748-0209) on June 26, 2012, for construction and operation of a 174 brake horsepower, Caterpillar model C6.6 ACERT diesel-fired engine to power a portable screener pursuant to the General Plan Approval And/Or General Operating Permit For Nonroad Engine(s) (BAQ-GPA/GP-11) at the Wayne Township Landfill in Wayne Township, **Clinton County**.

GP1-60-00007A: United States Department of Justice (PO Box 1000, 2400 Robert F. Miller Drive, Lewisburg, PA 17837) on June 21, 2012, to construct and operate a 32.358 million Btu per hour, Johnson Boiler Company, model PFTA800-4LG150S natural gas/#2 fuel oil-fired boiler pursuant to General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1, Small Gas and 32 Oil Fired Combustion Units for their United State Penitentiary at Lewisburg in Kelly Township, **Union County**.

GP5-41-675A: PVR Marcellus Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, Williamsport, PA 17701) on June 26, 2012, to construct and operate a 40 MMSCF/day dehydration units pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Roupp Compressor Station in Mifflin Township, **Lycoming County**. The dehydration unit replaces a formerly authorized 25 MMSCF/day dehydration unit.

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.

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

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

66-329-012: Chief Gathering, LLC. (999 North Loyalsock Avenue, Suite G Montoursville, PA 17754) On May 25, 2012 for the construction and operation of eight (8) caterpillar 3608LE engines with catalyst and two (2) dehydration units with reboilers going to a thermal oxidizer at their facility in Washington Township, **Wyoming County**.

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

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

08-00030B: Angelina Gathering Co. (2350 North Sam Houston Parkway East, Houston, TX 77009) on June 28, 2012, for construction of a 1775 bhp natural-gas-fired compressor engine equipped with an oxidation catalyst at their Greenzweig Compressor Station 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

65-00629: CBC Latrobe Acquisition, LLC (100 33rd Street, Latrobe, PA 15650-1474) on June 25, 2012, to allow the construction and initial temporary operation of a 449,000 gallon/day wastewater pretreatment system at the Latrobe Brewery in the City of Latrobe, **Westmoreland County**. Air contamination sources include a natu-

ral gas/biogas-fired boiler, rated at 4.08 MMBtu/hr, and a biogas-fired ground flare, rated at 15.88 MMBtu/hr.

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.

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

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

14-00002H: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on June 21, 2012, to extend the temporary period of operation of the semi-wet scrubber (ID C412A) associated with Kiln 7 (Source ID P412) an additional 180 days. The plan approval has been extended. The plan approval contains monitoring, recordkeeping and reporting requirements to demonstrate compliance with State and Federal regulatory requirements. 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

11-00356B: Peoples Natural Gas Company, LLC (1201 Pitt Street, Pittsburgh, PA 15221) on June 28, 2012, to extend the period of temporary operation of a natural gas compressor engine rated at 1,340 bhp known as Laurel Ridge Engine No. 3 and a thermal oxidizer controlling emissions from Dehydrator No. 1 and No. 2 until December 28, 2012, at Laurel Ridge / Rager Mountain in Jackson Township, **Cambria County**.

63-00957A: Green Holdings Enlow Inc. (1221 Avenue of America, Suite 4200, New York, NY 10020) on June 28, 2012, to allow the installation and initial temporary operation of a greenhouse gas (GHG) abatement system known as the Enlow GHG Abatement Project in Morris Township, **Washington County**. The project will consist of three Durr Ecopure regenerative thermal oxidizers (RTOs) on the E-22 mine ventilation exhaust shaft from the Consol Enlow underground coal mine.

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

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

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

43-00287: Jones Performance Products, Inc.—West Middlesex Plant (No. 1 Jones Way, P. O. Box 808, West Middlesex, PA 16159) on June 21, 2012, to re-issue a Title V Operating Permit to operate a Reinforced Plastic Manufacturing Facility, in West Middlesex Borough, **Mercer County**. This facility is a major source due to potential HAP emissions of 35 TPY.

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

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

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

46-00022: Arkema, Inc. (900 First Avenue, King of Prussia, PA 19406) On June 26, 2012, for a non-Title V, State Only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. This facility has two boilers, a thermal oxidizer to control odor emissions from two pilot plant operations, three pilot plant operations, laboratories, and four emergency generators that are located on the facility grounds. The main emissions from the facility are nitrogen oxides, and the facility has a limit of 16.41 tons of nitrogen oxide emissions per year. The permit contains fuel usage limits for the boilers and limits on hours of operation for the emergency generators. The requirements from 40 C.F.R. Part 63, Subpart JJJJJ were applied to the boilers, and the requirements of 40 C.F.R. Part 60, Subpart Dc were applied to the most recently installed boiler. The requirements of 40 C.F.R. Part ZZZZ were applied to all emergency generators, and the requirements of 40 C.F.R. Part 60, Subparts IIII were applied to the most recently installed emergency generator. The permit contains monitoring and recordkeeping requirements to address applicable limitations.

23-00106: BPG Real Estate Investors-Straw Party I, LP (3815 West Chester Pike, Newtown Square, PA 19073) on June 27, 2012, to operate three (3) boilers, one emergency generator and one fire pump at the Ellis Preserve at Newtown Square in Newtown Township, **Delaware County**. The renewal permit is for a non-Title V (State-only) facility. Facility-wide NO_x and SO_x emissions are restricted to less than major facility thresholds; therefore, the facility is a Synthetic Minor. The boilers (Source ID 031, 035, 036) are subject to the requirements of 40 C.F.R. Part 63 Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The fire pump (Source ID 110) is subject to the requirements of 40 C.F.R. Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. A previously unpermitted generator (Source ID 111) is subject to the requirements of 40 C.F.R. Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00007: Holy Redeemer Hospital & Medical Center (1648 Huntingdon Pike, Meadowbrook, PA 19047) on June 26, 2012, for a non-Title V, State Only, Synthetic Minor Operating Permit in Abington Township, **Montgomery County**. This facility has three boilers, one of which was replaced during the effective period of the current operating permit, and the facility has three emergency generators, two existing and one new emergency generator, that are located on the facility grounds. The main emissions from the facility are nitrogen oxides, and the facility has a limit of 25 tons of nitrogen oxide emissions per year. The permit contains fuel usage limits for the boilers and limits on hours of operation for the emergency generators. The requirements from 40 C.F.R. Part 63, Subpart JJJJJ were applied to the boilers, and the requirements of 40 C.F.R. Part 60, Subpart Dc were applied to the new boiler. The requirements of 40 C.F.R. Part ZZZZ were applied to all emergency generators, and the requirements of 40 C.F.R. Part 60, Subpart IIII were applied to the new emergency generator. The permit

contains monitoring and recordkeeping requirements to address applicable limitations.

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

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

35-00034: Humane Society of Lackawanna County (967 Griffin Pond, Clarks Summit, PA 18411-9214) on June 25, 2012 for animal crematory services in South Abington Township, **Lackawanna County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

45-00026: Hanson Aggregates Pa, LLC—Stroudsburg HMA Plant (7660 Imperial Way, Allentown, PA 18195) on June 27, 2012, for asphalt paving mixtures and blocks in Hamilton Township, **Monroe County**. The sources consist of a Batch Hot Mix Asphalt Plant, hot oil heaters (2), and a RAP System. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), and VOC's. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

34-05003: Tedd Wood, Inc. (PO Box 187, Thompsonstown, PA 17094-0187) on June 21, 2012 for the wood kitchen cabinet manufacturing facility in Delaware Township, **Juniata County**. The State-only permit was renewed.

06-03094: K&L Woodworking, Inc. (440 N. 4th Street, Reading, PA 19601-2847) on June 26, 2012, for the custom architectural millwork manufacturing facility in Reading City, **Berks County**. The State-only permit was renewed.

06-05067: County of Berks (1238 County Welfare Road, Suite 140, Leesport, PA 19553-9709) on June 25, 2012, for the boilers and generator at the Berks County Complex in Bern Township, **Berks County**. The State-only permit was renewed.

22-05024: Milton S. Hershey Medical Center (PO Box 850, Hershey, PA 17033-0850) on June 26, 2012, for the hospital facility in Derry Township, **Dauphin 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

08-00007: Leprino Foods Company (400 Leprino Ave., Waverly, NY 14892) on June 26, 2012, for operation of their cheese manufacturing facility in South Waverly Borough, **Bradford County**.

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

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

04-00731: U.S. Electrofused Minerals, Inc. (600 Steel Street, Aliquippa, PA 15001) on June 26, 2012, to issue the State Only Operating Permit for the operation crushing, sizing, packaging, and distribution operations of brown aluminum oxide products in the City of Aliquippa, **Beaver County**. The subject facility consists of one jaw crusher, three roll mills, six conveyors, 19 screens, one and one separator located inside the building controlled by a fabric filter. The facility has the potential to emit 18.4 tpy PM. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the daily survey performed must be recorded. Particulate matter emissions are not to exceed 0.02 gr/dscf from the control device and not to exceed ten percent opacity. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00200: John Middleton Co. (418 West Church Road, King of Prussia, PA 19406-3134) on June 26, 2012, for operation of their tobacco processing facility in Upper Merion Township, **Montgomery County**. This amendment is to address the incorporation of a plan approval, number 46-0200B, into the state-only operating permit. Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

37-00011: Dairy Farmers of America—Farmers Cheese (925 State Route 18, New Wilmington, PA 16142-5023) on June 22, 2012, issued an administrative amendment to the State Operating Permit to incorporate the change of responsible official for the facility located in Wilmington Township, **Lawrence County**.

43-00036: Hodge Foundry—Greenville (PO Box 550, 42 Leech Road, Greenville, PA 16125) on June 22, 2012, issued an administrative amendment to the State Operating Permit to incorporate the change in responsible official and permit contact for the facility in Hempfield Township, **Mercer County**.

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

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

S08-004A: St. Christopher's Hospital for Children (Erie Avenue at Front Street, Philadelphia, PA 19134) on June 22, 2012, to incorporate a change of Testing for each Emergency Generator is limited to 240 minutes per month and engine tuning is limited to 6 hours on each Emergency Generator. The Synthetic Minor operating permit was originally issued on June 17, 2009.

| <i>Date</i> | <i>Source</i> | <i>PM₁₀ (tons)</i> | <i>SO_x (tons)</i> | <i>NO_x (tons)</i> | <i>VOC (tons)</i> | <i>CO (tons)</i> |
|--------------------------|--------------------------|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 6-21-08 | Temporary Soil Screening | 0.06 | | 0.04 | | 0.01 |
| 8-13-10 | Temporary Soil Screening | 0.08 | 0.01 | 0.22 | 0.02 | 0.05 |
| 7-11-11 | Temporary Soil Screening | 0.22 | 0.01 | 0.22 | 0.02 | 0.05 |
| 6-22-12 | Temporary Soil Screening | 0.17 | 0.02 | 0.23 | 0.01 | 0.12 |
| Total Reported Increases | | 0.53 | 0.04 | 0.71 | 0.05 | 0.23 |
| 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 |

62-00150: Superior Tire & Rubber Company (1818 Penn. Avenue West, PO Box 308, Warren, PA 16365), for its facility located in Warren City, **Warren County**. The De minimis emission increase is for construction of new ovens. In addition, these sources are exempt from plan approval as they comply 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 June 4, 2009.

| <i>Date</i> | <i>Source</i> | <i>PM₁₀ (tons)</i> | <i>SO_x (tons)</i> | <i>NO_x (tons)</i> | <i>VOC (tons)</i> | <i>CO (tons)</i> |
|--------------------------|--------------------|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 5-17-12 | Burn-Off Oven | 0.114 | 0.057 | 0.57 | 0.115 | 0.057 |
| 6-22-12 | PC-3B Oven | 0.0004 | 0.00008 | 0.017 | 0.0004 | 0.037 |
| 6-22-12 | PC-2B Oven | 0.0005 | 0.00009 | 0.023 | 0.0005 | 0.05 |
| 6-22-12 | PH-10B Oven | 0.0002 | 0.00004 | 0.009 | 0.0002 | 0.02 |
| 6-22-12 | MP Pre-Heat Oven B | 0.0002 | 0.00004 | 0.008 | 0.0002 | 0.017 |
| 6-22-12 | PH-1B Oven | 0.0004 | 0.00008 | 0.017 | 0.0004 | 0.037 |
| 6-22-12 | PH-8B Oven | 0.0002 | 0.00004 | 0.008 | 0.0002 | 0.017 |
| 6-22-12 | PH-8B Oven Totes | 0.0002 | 0.00004 | 0.008 | 0.0002 | 0.017 |
| 6-22-12 | Burn Off Oven B | 0.11 | 0.06 | 0.57 | 0.001 | 0.06 |
| Total Reported Increases | | 0.2261 | 0.11741 | 1.23 | 0.1181 | 0.312 |
| 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 |

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

42-00174: Casella Waste Management of PA—McKean Landfill (19 Ness Lane, Kane, PA 16735), for its facility located in Sergeant Township, **McKean County**. The De minimis emission increase is for temporary soil screening operations. In addition, this source is exempt from plan approval as 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 October 10, 2007.

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

17851501 and GP12-17851501-10. RES Coal, LLC, (PO Box 228, 224 Grange Hall Road, Armagh, PA 15920). To revise the permit for Clearfield Siding in Boggs Township, **Clearfield County** to establish an emission inventory for the installation and operation of a coal processing facility based on maximum total annual coal throughput of 2,000,000 tons. Emission sources are the rotary breaker, screens, conveyors, transfer points, stockpiles, rail load outs, truck load outs, wind erosion and haul roads. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-17851501-R10. No additional discharges. The application was considered administratively complete on July 25, 2011. Application received: July 25, 2011. Permit issued: June 20, 2012.

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

56100101 and NPDES No. PA0262951. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from Berwind Coal Sales Company, 509, 15th Street, Windber, PA 15963, located in Paint Township, **Somerset County**, affecting 238.9 acres. Receiving stream(s): UTS to/and Stonycreek River classified for the following use(s): cold water fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 21, 2011. Permit issued: June 15, 2012.

Noncoal Permits Actions

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

58102803. Northeast Stone Works, Inc., (P. O. Box 332, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 2.0 acres, receiving stream: Snake Creek. Application received: April 13, 2010. Permit issued: June 26, 2012.

5176SM7T. Rock Ridge Stone, Inc., (7295 Kingsley Road, Kingsley, PA 18826), transfer of an existing quarry

operation in Bridgewater Township, **Susquehanna County** affecting 31.3 acres, receiving stream: Snake Creek. Application received: June 14, 2010. Transfer issued: June 26, 2012.

5176SM7GP104. Rock Ridge Stone, Inc., (7295 Kingsley Road, Kingsley, PA 18826), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 5176SM7T in Bridgewater Township, **Susquehanna County**, receiving stream: Snake Creek. Application received: April 5, 2011. Permit issued: June 26, 2012.

58112517. H.L. Robinson Sand and Gravel, Inc., (P. O. Box 121, Candor, NY 13743), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 10 acres, receiving stream: Tunkhannock Creek. Application received: November 30, 2011. Permit issued: June 28, 2012.

58112517GP104. H.L. Robinson Sand and Gravel, Inc., (P. O. Box 121, Candor, NY 13743), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58112517 in Lenox Township, **Susquehanna County**, receiving stream: Tunkhannock Creek. Application received: November 30, 2011. Permit issued: June 28, 2012.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

41124107. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for good water impoundment for oilfield located in Cogan House Township, **Lycoming County**. Permit issued: June 19, 2012. Permit expires: December 31, 2012.

08124134. Maurer & Scott Sales, Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for gas well pad located in Wilmot Township, **Bradford County**. Permit issued: June 15, 2012. Permit expires: December 31, 2012.

08124135. Meshoppen Blasting Inc. (Frantz Road, P. O. Box 27, Meshoppen, PA 18630). Blasting for well pad located in Wilmot Township, **Bradford County**. Permit issued: June 15, 2012. Permit expires: December 31, 2012.

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

45124002. Silver Valley Drilling & Blasting, (2523 Deer Lane, Saylorsburg, PA 18353), construction blasting at Route 715 NCC New Campus in Pocono Township, **Monroe County** with an expiration date of June 8, 2013. Permit issued: June 22, 2012.

06124106. Maine Drilling & Blasting, (PO Box 1140, Gardiner, ME 04345), construction blasting for Kohl's Department Store in Spring Township, **Berks County** with an expiration date of June 22, 2013. Permit issued: June 26, 2012.

36124135. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for South Meadows of Wetherbun in Manheim Township, **Lancaster County** with an expiration date of June 30, 2013. Permit issued: June 27, 2012.

58124154. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Busik Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of June 23, 2013. Permit issued: June 27, 2012.

36124134. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Arlyn Hurst Barn in Clay Township, **Lancaster County** with an expiration date of December 28, 2012. Permit issued: June 28, 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: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E06-672: Russell Doersch, Sunesys, LLC, 202 Titus Avenue, Warrington, Pennsylvania 18976, in Reading City and Wyomissing Borough, **Berks County**, ACOE Philadelphia District

to: 1) install and maintain one fiber optic cable supported on existing single poles with a normal span of 145.0 feet and an underclearance of 35.0 feet beginning at the west bank of the Schuylkill River (WWF, MF) (Latitude: 40°21'2.80", Longitude: -75°56'36.37") and terminating at the east bank of the Schuylkill River (WWF, MF) (Latitude: 40°21'1.63", Longitude: -75°56'35.19"). The project is located on the north side of the Schuylkill Avenue Bridge (Reading, PA Quadrangle; Latitude: 40°21'1.71", Longitude: -75°56'36.82") in Reading City, Berks County; 2) install and maintain one fiber optic cable supported on existing single poles with a normal span of 158.0 feet and an underclearance of 19.0 feet beginning at the west bank of the Tulpehocken Creek (WWF, MF) (Latitude: 40°21'11.59", Longitude: -75°57'33.76") and terminating at the east bank of the Tulpehocken Creek (WWF, MF) (Latitude: 40°21'12.66", Longitude: -75°57'32.26"), all for the purpose of allowing greater access to the fiber optic network. The project is located 826.0 feet north of the Warren Street Bypass (Wyomissing, PA Quadrangle; Latitude: 40°21'12.66", Longitude: -75°57'32.26") in Reading City and Wyomissing Borough.

The following activities are also proposed and are eligible for a waiver of permit requirements under Chapter 105, Section 105.12(a)(3): the installation and maintenance of a fiber optic aerial line crossing of: 1) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.5391°N; Longitude: -75.9771°W); 2) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.5300°N; Longitude: -75.9764°W); 3) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.5079°N; Longitude: -75.9692°W); 4) Pigeon Creek (WWF, MF) (Latitude: 40.4949°N; Longitude: -75.9690°W); 5) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.4881°N; Longitude: -75.9674°W); 6) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.4845°N; Longitude: -75.9669°W); 7) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.4638°N; Longitude: -75.9734°W); 8) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.4569°N; Longitude: -75.9753°W); 9) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.4446°N; Longitude: -75.9559°W); 10) Maiden Creek (WWF, MF) (Latitude: 40.4323°N; Longitude: -75.9387°W); 11) an unnamed tributary to the Schuylkill River (WWF, MF) (Latitude: 40.4490°N; Longitude: -75.9138°W); 12) Willow Creek (CWF, MF) (Latitude: 40.4403°N; Longitude: -75.9065°W); 13) Laurel Run (WWF, MF) (Latitude: 40.4025°N; Longitude: -75.9276°W); 14) an unnamed tributary to Laurel Run (WWF, MF) (Latitude: 40.3965°N; Longitude: -75.9274°W); 15) an unnamed tributary to Laurel Run (WWF, MF) (Latitude: 40.3913°N; Longitude: -75.9275°W); 16) Bernhart Creek (WWF, MF) (Latitude: 40.3716°N; Longitude: -75.9202°W); 17) an unnamed tributary to Moselem Creek (HQ-CWF) (Latitude: 40.4968°N; Longitude: -75.8052°W); 18) an unnamed tributary to Moselem Creek (HQ-CWF) (Latitude:

40.5043°N; Longitude: -75.7928°W); 19) an unnamed tributary to Moselem Creek (HQ-CWF) (Latitude: 40.5053°N; Longitude: -75.7911°W); 20) Sacony Creek (TSF) (Latitude: 40.5207°N; Longitude: -75.7778°W); 21) an unnamed tributary to Sacony Creek (CWF) (Latitude: 40.5179°N; Longitude: -75.7500°W); 22) an unnamed tributary to Sacony Creek (CWF) (Latitude: 40.5388°N; Longitude: -75.7218°W); 23) Schaefer Run (HQ-CWF) (Latitude: 40.5431°N; Longitude: -75.6863°W); 24) Toad Creek (HQ-CWF) (Latitude: 40.5103°N; Longitude: -75.6669°W); 25) an unnamed tributary to Toad Creek (HQ-CWF) (Latitude: 40.5093°N; Longitude: -75.6666°W); 26) Little Lehigh Creek (HQ-CWF) (Latitude: 40.4931°N; Longitude: -75.6469°W); 27) an unnamed tributary to Little Lehigh Creek (HQ-CWF) (Latitude: 40.4900°N; Longitude: -75.6337°W); 28) an unnamed tributary to Little Lehigh Creek (HQ-CWF) (Latitude: 40.4904°N; Longitude: -75.6327°W); 29) an unnamed tributary to Little Lehigh Creek (HQ-CWF) (Latitude: 40.4912°N; Longitude: -75.6304°W); 30) Swabia Creek (HQ-CWF) (Latitude: 40.4914°N; Longitude: -75.6174°W); 31) an unnamed tributary to Swabia Creek (HQ-CWF) (Latitude: 40.4811°N; Longitude: -75.6173°W); 32) an unnamed tributary to Perkiomen Creek (HQ-CWF) (Latitude: 40.4707°N; Longitude: -75.6058°W); 33) Perkiomen Creek (TSF) (Latitude: 40.4575°N; Longitude: -75.5881°W); 34) an unnamed tributary to Perkiomen Creek (TSF) (Latitude: 40.4594°N; Longitude: -75.5707°W); 35) Perkiomen Creek (HQ-CWF) (Latitude: 40.4499°N; Longitude: -75.5545°W); and 36) palustrine emergent wetlands (Latitude: 40.4905°N; Longitude: -75.6323°W); 37) palustrine emergent wetlands (Latitude: 40.4588°N; Longitude: -75.5697°W); in the cities of Berkley and Dauberville; in the Boroughs of Hamburg, Leesport, Shoemakersville, and Wyomissing, and in the Townships of Hereford, Longswamp, Maiden Creek, Muhlenberg, and Richmond, Berks County.

E67-894: James Leaman, Codorus Creek Watershed Association, PO Box 2881, York, Pennsylvania 17405, in York Township, **York County**, ACOE Baltimore District

To: 1) remove an existing structure, 2) construct and maintain three 15.0-foot x 50.0-foot cattle crossings, 3) regrade 601.0 linear feet of stream bank with rock toe protection, 4) regrade 1,470.0 linear feet of stream bank with log toe protection, 5) install and maintain 19 log vanes and 4 cross rock vanes, 6) relocate approximately 710.0 linear feet of stream, and 7) install and maintain 6,000.0 feet of streambank fencing, all for the purpose of restoring and stabilizing 2,100.0 feet of Barshinger Creek (CWF, MF). A total of 0.06 acre of wetland will be temporarily impacted and 0.12 acre of wetland will be permanently impacted by the project. The permittee is required to provide a minimum of 0.12 acre of replacement wetland. The project is located on a reach of stream located at 720 Arbor Drive, Dallastown, Pennsylvania (York, PA Quadrangle; N: 1.0 inches, W: 1.5 inches; Latitude: 39°52'41.08", Longitude: -76°37'59.91") in York Township, York County.

E67-897: Patricia Phillips, Liberty Property Limited Partnership, 74 West Broad Street, Suite 530 Bethlehem, Pennsylvania 18018, in Fairview Township, **York County**, ACOE Baltimore District

To: 1) install and maintain a 256.0-foot long by 12.0-foot wide temporary wetland crossing utilizing timber matting; and 2) remove and restore sloughed fill, impacting approximately 0.3 acre of exceptional value PEM wetland; all for the purpose of slope stabilization in the floodway of an unnamed tributary to Fishing Creek

(CWF, MF). The project is located at 600 Industrial Drive, Lewisberry, Pennsylvania 17339 (Steelton, PA Quadrangle; Latitude: 40°10'23", Longitude: -76°50'32") in Fairview Township, York County.

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

E49-319. Lower Mahanoy Township Municipal Authority, 132 River Road, Dalmatia, PA 17017-9501. Dalmatia Creek Grinder Pump Platform, in Lower Mahanoy, **Northumberland County**, ACOE Baltimore District (Dalmatia, PA Quadrangle Latitude: 40-39-25.2; Longitude: 76-53-59.2).

To construct, operate and maintain an elevated platform to support the control panel for the Dalmatia Creek grinder Pump Station. The platform shall be elevated 8 feet in the air and will consist of a 10 foot by 8 foot wood frame supported by four 6 inch by 6 inch posts. Each support post will be attached to existing concrete pilings that are secured below grade. This project is located 120 feet downstream and 55 feet north of the existing SR 147 bridge over Dalmatia Creek.

E49-320. Sheldon and Judith Winnick, 900 Greenough St., Sunbury, PA 17801. Winnick Cottage Raising in Ralpho Township, **Northumberland County**, ACOE Baltimore District (Danville, PA Quadrangle, Latitude: 40-52-52.66; Longitude: 76-30-17.92).

To construct, operate and maintain 6 concrete piers to support the raising of a cottage structure on the existing footprint in the floodplain of Roaring Creek. Three additional concrete piers will be installed to support the deck and stair structures for the entrance of the property. The structures first floor elevating shall be a minimum of 18 inches above elevation of 605.0 feet. The cottage is 18 feet wide and 40 feet long. This property is located at 151 Reeders Grove Road, Elysburg, PA. This permit was issued under Section 105.13(e) "Small Projects."

E53-432. AES Fox Hill Wind, LLC, 86 Baltimore Street-Suite 300, Cumberland, MD 21502-3027. AES Fox Hill Wind Energy Project in Hector and Ulysses Townships, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle Latitude: 41° 52' 10.73"; Longitude: 77° 45' 02.37").

AES Fox Hill Wind LLC proposes to construct, operate and maintain a permanent enclosure of Cushing Hollow Run and aerial collector system crossings of four tributaries and five wetlands needed for a phased wind turbine energy project. The enclosure is for a permanent access road and shall be constructed with a plastic culvert pipe having a minimum diameter of 36-inches and maximum length of 166-feet. The single line aerial collector crossings shall span over all streams and wetlands to avoid permanent impacts and mitigation. Since Cushing Hollow is a wild trout fishery, no construction or future repair work shall be performed in or along the stream channel between October 1 and December 31 without obtaining prior written approval from the Pennsylvania Fish and Boat Commission. The project is located along the eastern right-of-way of SR 1001 approximately 0.8-mile South of Ulysses Township Road T-453 and SR 1001 intersection.

E53-443. Pennsylvania Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0872, Section A02 Bridge Replacement over Freeman Run in Portage Township, **Potter County**, ACOE Baltimore District (Wharton, PA Quadrangle; Latitude: 41° 36' 02"; Longitude: 78° 03' 51").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new single span bridge approximately 260 Ft. upstream. The existing structure is a single span steel I-beam bridge with a 52.39 Ft. span, 74° skew, 3.47 Ft. underclearance and a low chord elevation of 1219.84 Ft. The proposed structure is a single span concrete T-beam bridge on integral abutments with a 72.620 Ft. span, 50° skew, 7.56 Ft. underclearance and a low chord elevation of 1221.92 Ft. The proposed bridge structure will be located approximately 260 Ft. upstream to realign the roadway for public safety. The project proposes to temporarily impact 0.06 acre and permanently impact 0.09 acre of wetland. The wetland impacts will be mitigated onsite with 0.28 acre of proposed wetlands. The project will also improve the intersection with T-511. Freeman Run is classified as a High Quality-Cold Water Fishery. This permit also includes 401 Water Quality Certification.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E25-745, Arneman Place Limited Partnership, Suite 100, 229 Huber Village Boulevard, Westerville, OH 43081, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 42°, 09', 11.4"; W: -80°, 00', 19.8") in Harborcreek Township, **Erie County**

to permanently fill 0.92 acre of palustrine emergent/scrub shrub wetlands and temporarily impact 0.08 acre of palustrine forested wetlands within the watershed of Fivemile Creek (CWF, MF) for the construction of a housing development and associated infrastructure at a point approximately 600 feet northeast of the Iroquois Avenue and Nagle Road intersection. The Permittee will mitigate for the wetland impacts by constructing 1.01 acres of on-site replacement wetlands.

E27-085, Sunesys LLC, 185 Titus Avenue, Warrington, PA 18976. Allegheny River Crossing, in Tionesta Township, **Forest County**, ACOE Pittsburgh District (Thornhurst, PA Quadrangle N: 41°, 29', 42.679"; W: 79°, 27', 37.711").

to install and maintain a 503' aerial Fiber Optic Communication Line crossing of the Allegheny River attached to existing power poles and setting 298' north/upstream of the US Route 32 bridge.

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 # ESX12-015-0134
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) Wilmot Township
Receiving Stream(s) and Classification(s) Foster Branch Sugar Run Creek, Trib. 29517 to Sugar Run (Both CWF), Wysox—Wyalusing Creeks Watershed;
Secondary: Sugar Run Creek (CWF)

ESCGP-1 # ESG11-131-0030 (04)
Applicant Name Chief Gathering, LLC
Contact Person Nicholas Bryan
Address 999 North Loyalsock Avenue, Suite G
City, State, Zip Montoursville, PA 17754
County Wyoming and Luzerne Counties
Township(s) Lemon, Washington, Tunkhannock, Eaton, Monroe and Dallas Townships
Receiving Stream(s) and Classification(s) Toby Creek, Trout Brook, Newton Run, Susquehanna River, Swale Brook, Kern Glen Creek, Taques Creek, Billings Mill Brook, and Meshoppen Creek (All CWF/MF), Leonard Creek, Bowman Creek, Roaring Run, Hollow Creek, Benson Hollow (All HQ-CWF/MF)

ESCGP-1 # ESX12-015-0131
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) Rome and Litchfield Townships
Receiving Stream(s) and Classification(s) Susquehanna River Watershed—Trib. 30133 to Bullard Creek, Trib 30124 to Bullard Creek (Both CWF/MF)

ESCGP-1 # ESX12-015-0132
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) Asylum Township
Receiving Stream(s) and Classification(s) UNT Trib. To Durell Creek (WWF/MF)

ESCGP-1 # ESX11-015-0306 (01)
Applicant Name Southwestern Energy Production Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Bradford County
Township(s) Herrick Township
Receiving Stream(s) and Classification(s) UNT to Cold Creek (WWF);
Secondary: Wyalusing Creek (WWF)

- ESCGP-1 # ESX12-015-0128
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) North Towanda and Ulster Townships
Receiving Stream(s) and Classification(s) Sugar Run,
Susquehanna River, Browns Creek, Hemlock Run (All
WWF/MF)
- ESCGP-1 # ES12-081-0011 (01)
Applicant Name Anadarko Marcellus Midstream, LLC
Contact Person Nathan S. Bennett
Address 33 West Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Pine and Cogan House Townships
Receiving Stream(s) and Classification(s) Bear Run,
Blockhouse Creek, Little Pine Creek (All EV/MF)
- ESCGP-1 # ESX12-015-0133
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) Albany Township
Receiving Stream(s) and Classification(s) South Branch
Towanda Creek, Tribs. 30307 and 30308 to South
Branch Towanda Creek, 4 UNTs to the South Branch
Towanda Creek (CWF). Towanda Creek Watershed;
Secondary: South Branch Towanda Creek (CWF)
- ESCGP-1 # ESX11-115-0143 (01)
Applicant Name Laser Northeast Gathering
Contact Person Kevin Marion
Address 1212 South Abington Road
City, State, Zip Clarks Summit, PA 18411
County Susquehanna County
Township(s) Dimock Township
Receiving Stream(s) and Classification(s) West Branch
Meshoppen Creek (CWF)
- ESCGP-1 # ESX12-081-0077
Applicant Name Chief Gathering, LLC
Contact Person Nicholas Bryan
Address 999 North Loyalsock Ave. Suite G
City, State, Zip Montoursville, PA 17754
County Lycoming County
Township(s) Franklin Township
Receiving Stream(s) and Classification(s) Big Run (CWF/
MF)
- ESCGP-1 # ESX11-115-0157 (01)
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Susquehanna County
Township(s) Rush Township
Receiving Stream(s) and Classification(s) Deer Lick
Creek, UNT to Deer Lick Creek (Both CWF), Wyalusing
Creek (WWF) Wysox—Wyalusing Creeks Watershed;
Secondary: Wyalusing Creek (WWF)
- ESCGP-1 # ESX12-115-0042 (01)
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 North Sam Houston Pkwy E., Suite 125
City, State, Zip Houston, TX 77032
County Susquehanna County
Township(s) Lenox and Clifford Townships
Receiving Stream(s) and Classification(s) Tunkhannock
Creek, UNT to Tunkhannock Creek including Round
Pond (CWF/MF)
- ESCGP-1 # ESG12-015-0104
Applicant Name Chief Gathering, LLC
Contact Person Nicholas Bryan
Address 999 North Loyalsock Ave. Suite G
City, State, Zip Montoursville, PA 17754
County Bradford County
Township(s) Burlington, Franklin & Leroy Townships
Receiving Stream(s) and Classification(s) UNT to
Towanda Creek (CWF/MF), Towanda Creek (TSF/MF),
North Branch Towanda Creek (CWF/MF), UNT to
Preacher Brook (CWF/MF) and Preacher Brook (CWF/
MF)
- ESCGP-1 # ESX12-115-0099
Applicant Name Williams Field Services Company, LLC
Contact Person Tom Page
Address 1605 Coraopolis Heights Road
City, State, Zip Coraopolis, PA 15108-4310
County Susquehanna County
Township(s) Bridgewater Township
Receiving Stream(s) and Classification(s) UNT to Snake
Creek/Upper Susquehanna—New York Watersheds
(other)
- ESCGP-1 # ESX12-115-0100
Applicant Name Susquehanna Gathering Company 1,
LLC
Contact Person John Miller
Address 1299 Oliver Road, P. O. Box 839
City, State, Zip New Milford, PA 18834
County Susquehanna County
Township(s) New Milford Township
Receiving Stream(s) and Classification(s) UNT to Salt
Lick Creek Watershed, UNT Wellmans Creek Water-
shed (HQ)
- ESCGP-1 # ESX09-117-0007 (01)
Applicant Name NFG Midstream Covington, LLC
Contact Person Bruce Clark
Address P. O. Box 2081
City, State, Zip Erie, PA 16512
County Tioga County
Township(s) Bloss Township
Receiving Stream(s) and Classification(s) Tioga River
Watershed, Boone Run (other)
- ESCGP-1 # ESX11-117-0036 (02)
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 and Sullivan Townships
Receiving Stream(s) and Classification(s) UNT to Mill
Creek, Kelly Creek, UNT to Tioga River (All CWF/MF),
Mad Run, UNT to Mad Run (All TSF/MF)
- ESCGP-1 # ESG11-081-0140 (02)
Applicant Name Chief Gathering, LLC
Contact Person Nicholas Bryan
Address 999 North Loyalsock Avenue, Suite 3
City, State, Zip Montoursville, PA 17754
County Lycoming and Sullivan Counties
Township(s) Shrewsbury Townships
Receiving Stream(s) and Classification(s) Lick Run (CWF/
MF), UNT to Lick Run, Lake Run, UNT to Lake Run,
UNT to Rock Run (HQ-CWF/MF)

ESCGP-1 # ESX12-115-0078
 Applicant Name WPX Energy Appalachia, LLC
 Contact Person David Freudenrich
 Address 6000 Town Center Blvd. Suite 300
 City, State, Zip Canonsburg, PA 15317-5834
 County Susquehanna County

Township(s) Silver Lake Township
 Receiving Stream(s) and Classification(s) Fall Brook /
 Silver Creek Watershed, UNT to Fall Brook /Silver
 Creek Watershed (EV-CWF/MF);
 Secondary: Snake Creek, Susquehanna River)

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

| <i>ESCGP -1 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|---------------------|--|---------------|---------------------|------------------------------------|
| 1612802 | Abarta Oil & Gas Inc 1000 Gamma Drive Pittsburgh PA 15238-2926 | Clarion | Piney Township | Mineral Run CWF Piney Creek CWF |

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX12-019-0142-Saxonburg Waterline
 Applicant XTO Energy
 Contact Melissa Breitenbach
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Jefferson(s)
 Receiving Stream(s) and Classification(s) Thorn Creek

ESCGP-1 #ESX12-073-0016—Utica #1 Facility Pad
 Applicant Hilcorp Energy Company
 Contact Chad England
 Address 1201 Louisiana Street
 City Houston State TX Zip Code 77002
 County Lawrence Township(s) North Beaver(s)
 Receiving Stream(s) and Classification(s) Unnamed Trib
 of Mahoning River / Mahoning River Basin in PA—
 WWF

ESCGP-1 #ESX12-053-0030-Owls Nest Pad Z
 Applicant Seneca Resources
 Contact Michael Clinger
 Address 51 Zents Blvd
 City Brookville State PA Zip Code 15825
 County Forest Township(s) Jenks(s)
 Receiving Stream(s) and Classification(s) UNT to Bank
 Run; Spring Creek; UNT to Hunter Creek

ESCGP-1 #ESX12-085-0004-Delaware-McCullough Well
 Pad and Impoundment
 Applicant Hilcorp Energy Company
 Contact Stephanie McMurray
 Address 1201 Louisiana Street, Suite 1400
 City Houston State TX Zip Code 77002
 County Mercer Township(s) Delaware(s)
 Receiving Stream(s) and Classification(s) UNT to the
 Shenango River (WWF)

ESCGP-1 #ESX12-019-0141—Forward Township
 Compressor Station
 Applicant Mountain Gathering
 Contact Dewey Chalos
 Address 810 Houston Street
 City Fort Worth State TX Zip Code 76102
 County Butler Township(s) Connoquenessing and
 Forward(s)
 Receiving Stream(s) and Classification(s) Unnamed Tribu-
 tary to Connoquenessing Creek / Connoquenessing
 Creek

ESCGP-1 #ESX12-019-0144-Lamperski Centralized
 Freshwater Impoundment
 Applicant RE Gas Development
 Contact P. S. Verna
 Address 476 Rolling Ridge Drive, Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Forward(s)
 Receiving Stream(s) and Classification(s) Connoqueness-
 ing Creek (WWF)

ESCGP-1 #ESX12-047-0044—Mountain Club Gas Well
 Applicant EQT Production
 Contact Todd Klaner
 Address 455 Racetrack Road
 City Washington State PA Zip Code 15301
 County Elk Township(s) Benezette(s)
 Receiving Stream(s) and Classification(s) (2) Unnamed
 Tributaries to Bearwallow Hollow—CWF; Bearwallow
 Hollow—CWF; Johnson Run—CWF; (1) Unnamed
 Tributary to Mix Run—EV; Spike Hollow—EV; Mix
 Run—EV; Sullivan Run—HQ-WWF; Sinnemahoning
 Creek Watershed

ESCGP-1 #ESX12-019-0145-Jefferson Compressor Tie In
 Pipeline
 Applicant Dewey Chalos
 Contact Mountain Gathering LLC
 Address 810 Houston Street
 City Fort Worth State TX Zip Code 76102
 County Butler Township(s) Jefferson(s)
 Receiving Stream(s) and Classification(s) Thorn Creek

ESCGP-1 #ESX12-073-0018-Patterson Compressor Site
 Applicant Swepi LP
 Contact James Sewell
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Lawrence Township(s) Little Beaver(s)
 Receiving Stream(s) and Classification(s) UNT to
 Beaverdam Run, UNT to Jenkins Run

ESCGP-1 #ESX12-131-0013—Allam 1H Pad
 Applicant Halcon Operating Co. Inc.
 Contact Mark Mize
 Address 1000 Louisiana Street
 City Houston State TX Zip Code 77002
 County Venango Township(s) Frenchcreek(s)
 Receiving Stream(s) and Classification(s) Little Sandy
 Creek CWF, Sandy Creek—WWF

ESCGP-1 #ESX11-019-0066A-Lamperski Well Pad
 Applicant RE Gas Development
 Contact P. S. Verna
 Address 476 Rolling Ridge Drive, Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Forward(s)
 Receiving Stream(s) and Classification(s) Connoqueness-
 ing Creek (WWF)

ESCGP-1 #ESX12-031-0031—Radaker B 1.9 MG
 Impoundment ESCGP-1
 Applicant Northeast Natural Energy
 Contact Brett Loflin
 Address 707 Virginia Street East, Suite 1400
 City Charleston State WV Zip Code 25301
 County Clarion Township(s) Porter & Toby(s)
 Receiving Stream(s) and Classification(s) Tributary 48103
 to Wildcat Run (CWF)

ESCGP-1 #ESX11-053-0018A—Hartary Oil Lease
 Applicant Devonian Resources Inc
 Contact Joe Thompson
 Address P. O. Box 329
 City Pleasantville State PA Zip Code 16341
 County Forest Township(s) Harmony(s)
 Receiving Stream(s) and Classification(s) UNT to Pithole
 Creek, German Run, West Hickory Creek and Fleming
 Run (CWF)/Allegheny River

SPECIAL NOTICES

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

In the Matter of Kevin Shaner

On May 22, 2012, the Pennsylvania Department of Environmental Protection (Department), under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and the regulations promulgated thereunder at 25 Pa. Code § 240.203(b), suspended Kevin Shaner's certification to perform radon-related activities in Pennsylvania. The Department suspended Mr. Shaner's radon mitigation individual certification #2547 for his failure to submit the required 45-day reporting and late reporting fee in violation of 25 Pa. Code § 240.303(a), 25 Pa. Code Ch. 240 Appendix A, and 25 Pa. Code § 240.203(a)(3). Copies of Mr. Shaner's Suspension are available from Kelley Oberdick, Department of Environmental Protection, 400 Market Street, 13th Floor, Harrisburg, PA 17101, (717) 783-3594.

Name
 Kevin Shaner

Address
 243 Linfield Trappe Road
 Limerick, PA 19468-1620

Type of Radon Certification
 Mitigation individual

Notice of Public Meeting and Public Hearing Concerning Water Obstruction and Encroachment Permit and NPDES Construction Permit for Transcontinental Gas Pipe Line Corporation (Transco)

Stream Crossings at East Branch of Brandywine Creek and Ludwig's Run

Summary: The Pennsylvania Department of Environmental Protection (PADEP) is accepting comments on the Water Obstruction and Encroachment Permit and NPDES Construction Permit Amendments filed with the Department by Transcontinental Gas Pipe Line Corporation (Transco) for three remaining stream crossings and the earth disturbance activities associated with its Sentinel Expansion-Downingtown Replacement Project located in East Brandywine and East Caln Townships, Chester County, Pennsylvania. Notice of receipt of the application for, and a tentative determination of proposed effluent limitations and other terms and conditions, for amendment of National Pollutant Discharge Elimination

System Permit (NPDES) Construction Permit No. PAI011508064A-1 was published on April 28, 2012. In accordance with 25 Pa. Code 92a.32(d) the stormwater discharges associated with this project are proposed to be managed in accordance with the requirements of 25 Pa. Code Chapter 102. Receipt of the application for amendment of Water Obstruction and Encroachment Permit E15-780 was published in the *Pennsylvania Bulletin* on May 5, 2012. PADEP is accepting public comments regarding the permit amendment applications for these projects until August 14, 2012.

The Department recognizes the public interest in these applications and will hold a public meeting and hearing to accept comments on August 14, 2012.

Prior to the meeting and hearing, the applications and related documents can be reviewed at DEP's Southeast Regional Office, 2 E. Main St., Norristown, PA 19401 by making an appointment with its Records Management Section at 484-250-5910. The above documents are also available at the Downingtown Library, 330 E. Lancaster Ave. Downingtown, PA 19335.

Meeting and Hearing Information: The public meeting and hearing will take place on Tuesday, August 14, 2012 at the Sykes Student Union Building, West Chester University, 110 W. Rosedale Avenue, West Chester, PA 19383. The public hearing will be held from 7:00 p.m. until 9:00 p.m. Prior to the hearing, an informational meeting will be held at the same location from 5:00 p.m. until 7:00 p.m. Written comments will also be accepted prior to the hearing, and until the close of the hearing on August 14, 2012. The sole purpose of the hearing is to provide members of the public with an opportunity to present oral testimony on the proposed crossings of the East Branch of Brandywine Creek and Ludwig's Run. In order to give everyone who wishes to testify the opportunity to do so at the public hearing, the following procedures will be in effect:

Everyone must register to testify. Registrations to present oral testimony will begin at approximately 6:00 p.m. on the day of the hearing and will continue until the hearing is closed. Anyone who would like to present comments at the hearing may register in advance with DEP Community Relations Supervisor Deborah Fries at (484) 250-5808 or by email at defries@pa.gov. Speakers will be called in roughly, but not exactly, the order in which they registered.

Testimony will be limited to 5 minutes. To allow everyone who wishes to speak an opportunity to do so, oral testimony will be limited to five minutes. Speakers will not be permitted to cede their time to others; however, after everyone who wishes to speak has had a chance to do so, the hearing officer may accept requests to supplement earlier remarks. A court stenographer will capture all verbal comments for the public record. Individuals may submit written comments either at the hearing or via email, fax, US mail, delivery service, or hand delivery by August 14, 2012.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearing should contact Ms. Deborah Fries directly at 484-250-5808 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Department can accommodate your needs.

To Submit Comments: Written comments to PA DEP may be submitted at the hearing and may also be sent to the attention of Waterways and Wetlands Regional Program Manager by US mail or delivery service to PADEP,

Southeast Regional Office, Water Management, 2 E. Main Street, Norristown, PA 19401 or by fax to 484-250-5971. Regardless of the method of submission, all comments should include the name, affiliation (if any) and address of the commenter and the subject line "Public Comment—Transco."

For Further Information Contact: For questions about the proposed permit actions or about the upcoming hearing, please contact Ms. Zahra Nucci at 484-250-5171 or Mr. Domenic Rocco at 484-250-5174.

Environmental Good Samaritan Project Proposal

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

The Environmental Good Samaritan Act, 27 Pa.C.S. §§ 8001—8114, provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection ("Department").

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the Knox District Mining Office, 310 Best Avenue, Knox, PA 16232.

Written comments or objections may be submitted by any person or any office or head of any federal, state, or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address, and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

EGS24003. Clean Streams Foundation, Inc. (520 West Short Street, Lexington, KY 40507) Project to improve the water quality and aquatic habitat of Dents Run, restore the natural stream connectivity, and restore the overall aquatic, riparian and terrestrial ecosystem structure throughout the Dents Run Watershed in Benezette Township, **Elk County**. Receiving streams: Porcupine Hollow to Dents Run, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Project proposal received: May 29, 2012.

[Pa.B. Doc. No. 12-1311. Filed for public inspection July 13, 2012, 9:00 a.m.]

Climate Change Advisory Committee Meeting Cancellation

The Climate Change Advisory Committee meeting scheduled for July 26, 2012, has been cancelled. The next meeting is scheduled for Thursday, September 27, 2012,

in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA at 10 a.m.

For information contact Joe Sherrick at (717) 787-2030 or josherrick@pa.gov. The agenda and meeting materials for the September 27, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (select "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) 783-2290 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. 12-1312. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

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):

Presbyterian Homes of the Presbytery of Huntingdon
220 Newry Street
Hollidaysburg, PA 16648

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Julia Pound Care Center
1155 Indian Springs Road
Indiana, PA 15701

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(b) (relating to bathing facilities):

Pleasant View Retirement Community
544 North Penryn Road
Manheim, PA 17545
FAC ID 681902

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.

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. 12-1313. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Fee Schedule; Service Coordination Services Approval

The purpose of this notice is to announce the approval of the waiver amendments related to service coordination for the Home and Community-Based Services Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers by the United States Department of Health and Human Services (HHS) effective June 27, 2012. See 55 Pa. Code §§ 52.26(g) and (i) and 52.28 (relating to service coordination services; and conflict free service coordination). In accordance with 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates), the Department of Public Welfare (Department) announced the fee schedule rates for service coordination services, including service coordination services in the Act 150 Program, at 42 Pa.B. 3343 (June 9, 2012). These rates are effective for dates of service on and after July 1, 2012.

The fee schedule rates are available at http://www.aging.state.pa.us/portal/server.pt/community/information_for_providers/19328.

Fiscal Impact

The Department anticipates the proposed fee schedule rates will result in an estimated decrease of \$1.885 million (\$0.858 million in State funds) for Fiscal Year 2012-2013. These savings were previously reported in the public notice "Rate-Setting Methodology, Fee Schedule Rates and Vendor Goods and Services for the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program," published at 42 Pa.B. 3343.

Public Comment

Interested persons are invited to submit written comments regarding this notice within 30 days of its publication to the Department at the Office of Long-Term Living, Attention: Yvette Sanchez-Roberts, 555 Walnut Street, Fifth Floor, Harrisburg, PA 17101-1919. Comments can also be sent to RA-oltstreamlining@pa.gov. Comments will be considered in subsequent revisions to the MA Program Fee Schedule.

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

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-778. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1314. Filed for public inspection July 13, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bingo Mania '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 Bingo Mania '12.

2. *Price:* The price of a Pennsylvania Bingo Mania '12 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Bingo Mania '12 instant lottery game ticket will contain eight play areas designated as "CARD 1," "CARD 2," "CARD 3," "CARD 4," "CARD 5," "CARD 6," "CARD 7" and "CARD 8." Each "CARD" will consist of 25 spaces on a 5 by 5 grid. The 77 play symbols located in the eight play areas are: The numbers 1 through 75, "FREE" symbol and a Star symbol. The "FREE" symbol is a free space. The Star symbol is a free space and when it appears in a winning pattern, the prize quintuples.

(b) Each ticket will also contain a "CALLER'S CARD" area. The "CALLER'S CARD" area will consist of 30 spaces on a 10 by 3 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$25, \$50, \$100, \$250, \$500, \$1,000, \$2,500, \$5,000 and \$100,000. The player can win up to four times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Bingo Mania '12 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 8," shall be entitled to a prize of \$100,000.

(b) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 7," shall be entitled to a prize of \$5,000.

(c) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line, with a Star symbol appearing in that same

horizontal, vertical or diagonal line, on "CARD 8," shall be entitled to a prize of \$2,500.

(d) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 8," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 6," shall be entitled to a prize of \$500.

(f) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 7," shall be entitled to a prize of \$500.

(g) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 8," shall be entitled to a prize of \$500.

(h) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 5," shall be entitled to a prize of \$250.

(i) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 6," shall be entitled to a prize of \$250.

(j) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line, with a Star symbol appearing in that same horizontal, vertical or diagonal line, on "CARD 7," shall be entitled to a prize of \$250.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 4," shall be entitled to a prize of \$100.

(l) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 5," shall be entitled to a prize of \$100.

(m) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 3," shall be entitled to a prize of \$50.

(n) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 4," shall be entitled to a prize of \$50.

(o) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 7," shall be entitled to a prize of \$50.

(p) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line, with a Star symbol appearing in that same horizontal, vertical or diagonal line, on "CARD 5" or "CARD 6," shall be entitled to a prize of \$50.

(q) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 2," shall be entitled to a prize of \$25.

(r) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 3," shall be entitled to a prize of \$25.

(s) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line, with a Star symbol appearing in that same horizontal, vertical or diagonal line, on "CARD 1," "CARD 2," "CARD 3" or "CARD 4," shall be entitled to a prize of \$25.

(t) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "CARD 1," shall be entitled to a prize of \$15.

(u) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 2," shall be entitled to a prize of \$15.

(v) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "CARD 1," shall be entitled to a prize of \$10.

(w) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 5" or "CARD 6," shall be entitled to a prize of \$10.

(x) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "CARD 1," "CARD 2," "CARD 3" or "CARD 4," shall be entitled to a prize of \$5.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

| <i>Win With:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 12,000,000 Tickets</i> |
|---|-------------|-----------------------------------|--|
| LINE CARD 1 | \$5 | 30 | 400,000 |
| LINE CARD 2 | \$5 | 30 | 400,000 |
| LINE CARD 3 | \$5 | 30 | 400,000 |
| LINE CARD 4 | \$5 | 60 | 200,000 |
| LINE CARD 5 | \$10 | 75 | 160,000 |
| LINE CARD 6 | \$10 | 75 | 160,000 |
| (LINE CARD 2) + (LINE CARD 1) | \$10 | 75 | 160,000 |
| (LINE CARD 4) + (LINE CARD 3) | \$10 | 75 | 160,000 |
| 4 CORNERS CARD 1 | \$10 | 75 | 160,000 |
| (LINE CARD 3) + (LINE CARD 2) + (LINE CARD 1) | \$15 | 300 | 40,000 |
| (LINE CARD 5) + (LINE CARD 3) | \$15 | 300 | 40,000 |
| (4 CORNERS CARD 1) + (LINE CARD 4) | \$15 | 300 | 40,000 |
| 4 CORNERS CARD 2 | \$15 | 300 | 40,000 |
| "X" CARD 1 | \$15 | 300 | 40,000 |
| (4 CORNERS CARD 2) + (4 CORNERS CARD 1) | \$25 | 600 | 20,000 |

| Win With: | Win: | Approximate Odds Are 1 In: | Approximate No. of Winners Per 12,000,000 Tickets |
|---|-----------|----------------------------|---|
| ("X" CARD 1) + (LINE CARD 6) | \$25 | 600 | 20,000 |
| LINE CARD 2 w/ STAR | \$25 | 300 | 40,000 |
| LINE CARD 4 w/ STAR | \$25 | 300 | 40,000 |
| 4 CORNERS CARD 3 | \$25 | 600 | 20,000 |
| "X" CARD 2 | \$25 | 600 | 20,000 |
| (LINE CARD 3 w/ STAR) + (LINE CARD 1 w/ STAR) | \$50 | 600 | 20,000 |
| LINE CARD 5 w/ STAR | \$50 | 600 | 20,000 |
| LINE CARD 6 w/ STAR | \$50 | 600 | 20,000 |
| LINE CARD 7 | \$50 | 600 | 20,000 |
| 4 CORNERS CARD 4 | \$50 | 600 | 20,000 |
| "X" CARD 3 | \$50 | 600 | 20,000 |
| (LINE CARD 4 w/ STAR) + (LINE CARD 3 w/ STAR) + (LINE CARD 2 w/ STAR) + (LINE CARD 1 w/ STAR) | \$100 | 685.71 | 17,500 |
| (4 CORNERS CARD 4) + (4 CORNERS CARD 3) + (4 CORNERS CARD 2) + (4 CORNERS CARD 1) | \$100 | 1,600 | 7,500 |
| 4 CORNERS CARD 5 | \$100 | 1,600 | 7,500 |
| "X" CARD 4 | \$100 | 1,600 | 7,500 |
| (4 CORNERS CARD 5) + ("X" CARD 4) + ("X" CARD 3) | \$250 | 4,000 | 3,000 |
| LINE CARD 7 w/ STAR | \$250 | 1,200 | 10,000 |
| 4 CORNERS CARD 6 | \$250 | 3,429 | 3,500 |
| "X" CARD 5 | \$250 | 3,429 | 3,500 |
| ("X" CARD 5) + (4 CORNERS CARD 6) | \$500 | 12,000 | 1,000 |
| (4 CORNERS CARD 6) + (LINE CARD 7 w/ STAR) | \$500 | 8,000 | 1,500 |
| ("X" CARD 5) + (LINE CARD 7 w/STAR) | \$500 | 6,000 | 2,000 |
| LINE CARD 8 | \$500 | 12,000 | 1,000 |
| 4 CORNERS CARD 7 | \$500 | 12,000 | 1,000 |
| "X" CARD 6 | \$500 | 12,000 | 1,000 |
| ("X" CARD 6) + (4 CORNERS CARD 7) | \$1,000 | 120,000 | 100 |
| 4 CORNERS CARD 8 | \$1,000 | 120,000 | 100 |
| LINE CARD 8 w/ STAR | \$2,500 | 300,000 | 40 |
| "X" CARD 7 | \$5,000 | 600,000 | 20 |
| "X" CARD 8 | \$100,000 | 1,200,000 | 10 |

STAR symbol: The "STAR" symbol found on each card is also a "FREE" space. When it appears in any winning pattern, win five times the prize shown for that win.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bingo Mania '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).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bingo Mania '12, prize money from winning Pennsylvania Bingo Mania '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 Bingo Mania '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.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Bingo Mania '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1315. Filed for public inspection July 13, 2012, 9:00 a.m.]

Pennsylvania \$250,000 A Year 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 \$250,000 A Year For Life '12.

2. *Price:* The price of a Pennsylvania \$250,000 A Year For Life '12 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$250,000 A Year 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), Star (STAR) symbol, Moneybag (MNYBAG) symbol and a LIFE (LIFE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$500 (FIV HUN), \$750 (SVNHUNFTY), \$1,000 (ONE THO), \$15,000 (FTN THO), \$150,000 (HUNFTYTHO) and \$250,000 (\$250,000/YR/LIFE).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$30, \$40, \$50, \$100, \$200, \$300, \$500, \$750, \$1,000, \$15,000, \$150,000 and \$250,000 a year for life (\$5 million lifetime minimum). A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania \$250,000 A Year 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 is a LIFE (LIFE) symbol, and a prize symbol of \$250,000 (\$250,000/YR/LIFE) appears under the LIFE (LIFE) symbol, on a single ticket, shall be entitled to a prize of \$250,000 a year for life (\$5 million lifetime minimum) which will be paid by an initial cash payment of \$250,000 plus equal annual payments of \$250,000 over the lifetime of the winner or continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$5 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$250,000 A Year For Life 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 \$150,000 (HUNFTYTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150,000.

(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 \$15,000 (FTN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag

(MNYBAG) symbol, and a prize symbol of \$1,000 (ONE THO) appears in all fifteen of the "prize" areas, on a single ticket, shall be entitled to a prize of \$15,000.

(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 \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) 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 under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(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 \$750 (SVNHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$750.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in all fifteen of the "prize" areas, on a single ticket, shall be entitled to a prize of \$750.

(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 \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) 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 under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in five of the "prize" areas and a prize symbol of \$30⁰⁰ (THIRTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(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 \$300 (THR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag (MNYBAG) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in all fifteen of the "prize" areas, on a single ticket, shall be entitled to a prize of \$300.

(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 \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(p) 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 under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Moneybag (MNYBAG) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$200.

(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 \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) 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 under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(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 \$50⁰⁰ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) 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 \$40⁰⁰ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) 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 \$25⁰⁰ (TWY FIV) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR)

symbol, and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) 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 \$20⁰⁰ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) 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 \$15⁰⁰ (FIFTN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$15⁰⁰ (FIFTN) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$15.

(dd) 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 \$10⁰⁰ (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ff) 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 DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(gg) 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 DOL) appears under the Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With:

\$10 w/ STAR
 \$10
 \$10 + \$5
 (\$5 w/ STAR) x 3
 \$15 w/ STAR
 \$15
 \$5 x 4
 \$10 x 2
 (\$5 w/ STAR) x 4

Win:
 \$10
 \$10
 \$15
 \$15
 \$15
 \$15
 \$20
 \$20
 \$20

Approximate Odds
 Are 1 In:
 15
 15
 60
 60
 60
 60
 200
 300
 200

Approximate No.
 Of Winners Per
 15,600,000
 Tickets:
 1,040,000
 1,040,000
 260,000
 260,000
 260,000
 260,000
 78,000
 52,000
 78,000

When Any Of Your Numbers Match Any
Of The Winning Numbers, Win Prize
Shown Under The Matching Number. Win
With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 15,600,000 Tickets: |
|---------------------------------------|-------------------|-------------------------------|---|
| (\$10 w/ STAR) x 2 | \$20 | 300 | 52,000 |
| \$20 w/ STAR | \$20 | 120 | 130,000 |
| \$20 | \$20 | 120 | 130,000 |
| \$5 x 5 | \$25 | 300 | 52,000 |
| \$15 + \$10 | \$25 | 300 | 52,000 |
| (\$15 w/ STAR) + (\$10 w/ STAR) | \$25 | 300 | 52,000 |
| \$25 w/ STAR | \$25 | 300 | 52,000 |
| \$25 | \$25 | 300 | 52,000 |
| \$10 x 4 | \$40 | 600 | 26,000 |
| \$20 x 2 | \$40 | 600 | 26,000 |
| (\$15 x 2) + \$10 | \$40 | 600 | 26,000 |
| \$40 w/ STAR | \$40 | 600 | 26,000 |
| \$40 | \$40 | 600 | 26,000 |
| \$10 x 5 | \$50 | 600 | 26,000 |
| \$25 x 2 | \$50 | 600 | 26,000 |
| \$50 w/ STAR | \$50 | 600 | 26,000 |
| \$50 | \$50 | 300 | 52,000 |
| \$10 x 10 | \$100 | 686 | 22,750 |
| \$25 x 4 | \$100 | 686 | 22,750 |
| \$50 x 2 | \$100 | 686 | 22,750 |
| (\$10 w/ STAR) x 10 | \$100 | 686 | 22,750 |
| \$100 w/ STAR | \$100 | 686 | 22,750 |
| \$100 | \$100 | 706 | 22,100 |
| MONEYBAG w/ (\$20 x 5) + (\$10 x 10) | \$200 | 8,000 | 1,950 |
| \$20 x 10 | \$200 | 24,000 | 650 |
| \$50 x 4 | \$200 | 24,000 | 650 |
| (\$100 w/ STAR) x 2 | \$200 | 12,000 | 1,300 |
| \$200 w/ STAR | \$200 | 12,000 | 1,300 |
| \$200 | \$200 | 24,000 | 650 |
| MONEYBAG w/ (\$20 x 15) | \$300 | 10,909 | 1,430 |
| \$100 x 3 | \$300 | 60,000 | 260 |
| \$300 | \$300 | 60,000 | 260 |
| MONEYBAG w/ (\$40 x 5) + (\$30 x 10) | \$500 | 24,000 | 650 |
| \$50 x 10 | \$500 | 120,000 | 130 |
| \$100 x 5 | \$500 | 120,000 | 130 |
| \$500 w/ STAR | \$500 | 60,000 | 260 |
| \$500 | \$500 | 120,000 | 130 |
| MONEYBAG w/ (\$50 x 15) | \$750 | 10,909 | 1,430 |
| (\$100 x 7) + \$50 | \$750 | 60,000 | 260 |
| \$750 | \$750 | 60,000 | 260 |
| MONEYBAG w/ (\$100 x 5) + (\$50 x 10) | \$1,000 | 30,000 | 520 |
| \$100 x 10 | \$1,000 | 120,000 | 130 |
| \$500 x 2 | \$1,000 | 120,000 | 130 |
| \$1,000 w/ STAR | \$1,000 | 60,000 | 260 |
| \$1,000 | \$1,000 | 60,000 | 260 |
| MONEYBAG w/ (\$1,000 x 15) | \$15,000 | 240,000 | 65 |
| \$15,000 | \$15,000 | 240,000 | 65 |
| \$150,000 | \$150,000 | 1,560,000 | 10 |
| LIFE | \$250,000/YR/LIFE | 3,120,000 | 5 |

Reveal a "STAR" (STAR) symbol, win prize shown under it automatically.

Reveal a "MONEYBAG" (MNYBAG) symbol, win all 15 prizes shown.

Reveal a "LIFE" (LIFE) symbol, win \$250,000 a year 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 \$250,000 A Year 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 \$250,000 A Year For

Life '12, prize money from winning Pennsylvania \$250,000 A Year 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 \$250,000 A Year 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 \$250,000 A Year For Life '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1316. Filed for public inspection July 13, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 21, 2012, and announced the following:

Action Taken—Regulation Disapproved

Environmental Quality Board #7-460: Noncoal Mining Fees

Disapproval Order

Public Meeting Held
June 21, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.

*Environmental Quality Board—
Noncoal Mining Fees;
Regulation No. 7-460 (#2864)*

On August 18, 2010, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 77. The proposed regulation was published in the August 28, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 21, 2012.

This final-form rulemaking establishes fees to support the Noncoal Mining Program (Program). According to the documentation provided with the rulemaking, there are 1,500 noncoal mining operators in the Commonwealth. Currently, the operators must pay a \$250 National Pollutant Discharge Elimination System permit fee, but only when that type of permit is required. According to the Board, this fee currently generates \$25,000 per year. The fees included in the final-form rulemaking would generate \$2,500,000 per year.

We understand the budgetary problems the Department of Environmental Protection is facing. However, we believe the direct costs to the private sector associated with an immediate fee increase of this magnitude will have an adverse economic impact on the regulated community. (71 P.S. § 745.5b(b)(1)(i)). For example, has the Department sufficiently considered an incremental fee increase in order to reduce the impact on the noncoal mining industry?

Further, we remain concerned whether the imposition of these fees to fund the Program constitutes the least burdensome alternative to the industry. (71 P.S. § 745.5b(b)(1)(i)).

We have determined this regulation is consistent with the statutory authority of the Board (52 P.S. §§ 3307(a) and 3311(a)) and the intention of the General Assembly. However, after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

The regulation #7-460 (IRRC #2864) from the Environmental Quality Board was disapproved on June 21, 2012.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1317. Filed for public inspection July 13, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are 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 www.irrc.state.pa.us.

| <i>Final-Form Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|--------------------------------|--|-----------------|---------------------------|
| 16A-4624 | State Board of Dentistry Expanded Function Dental Assistant Scope of Practice and Continuing Education | 6/26/12 | 8/2/12 |
| <i>Final-Omit Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
| 16A-4925 | State Board of Medicine MCARE Revisions | 6/26/12 | 8/2/12 |

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1318. Filed for public inspection July 13, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Allstate Fire and Casualty Insurance Company; Private Passenger Automobile; Allstate Drive Wise® Insurance Program

On June 26, 2012, the Insurance Department (Department) received from Allstate Fire and Casualty Insurance Company a private passenger automobile rate and rule filing to introduce their Drive Wise® Program effective October 8, 2012, for new business and November 8, 2012, for renewals.

In the filing, Allstate states "With this filing, Allstate Fire and Casualty Insurance Company (AFCIC) is introducing the Allstate Drive Wise® Program. Allstate Drive Wise® is a voluntary program that allows participants to be rated using driving behavior information that is collected by an electronic device provided by Allstate that will be plugged into their vehicle. Allstate believes that rating based on the two major aspects of the program, mileage and driving performance, will allow us to reward customers less likely to incur losses with lower premiums. In addition, the feedback made available from the personalized reports in the interactive website connected with the electronic device can in some cases help improve driving ability. This program allows participants to potentially reduce their premium as well as their likelihood of accidents. Allstate Drive Wise® Rating will apply to Bodily Injury, Property Damage, Medical, Income Loss, Combination Package, Collision, and Comprehensive coverages."

An insured that opts for the program can only receive a rate that is less than or equal to the otherwise applicable rate, with discounts of up to 39% for certain coverages.

Specifically, the program's rates are based on:

* Number of miles driven and the time of day those miles were driven.

* Number of "Hard Braking Events" (defined to be slowing down between 8 and 10 mph over a 1-second interval) per 100 miles driven.

* Number of "Extreme Braking Events" (defined to be slowing down 10 or more mph over a 1-second interval) per 100 miles driven.

* Number of miles driven over 80 mph per 100 miles driven.

Unless formal administrative action is taken prior to August 25, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1319. Filed for public inspection July 13, 2012, 9:00 a.m.]

Appeal of Laundry Owners Mutual Liability Insurance Association; Pennsylvania Compensation Rating Bureau; Doc. No. CL12-06-019

A prehearing telephone conference initiated by this office is scheduled for September 5, 2012, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 31, 2012. A date for a hearing shall be determined, if necessary, at the prehearing conference.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before July 30, 2012. Answers to petitions to intervene, if any, shall be filed on or before August 10, 2012. The Hearings Administrator shall serve this order, the appointment order and the request for hearing upon Touch-Stone Solutions, Inc. as an interested party and possible intervenor.

At the prehearing conference/telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. In particular, the parties should be prepared to discuss the threshold issue whether the appellant as an insurance carrier has standing to appeal.

A written request for continuance of the scheduled prehearing telephone conference, for good cause will be considered by the Presiding Officer. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1320. Filed for public inspection July 13, 2012, 9:00 a.m.]

Life Insurance Products; Revised Checklists

The Insurance Department (Department) has recently made significant changes that will give consumers more choices when looking to purchase Life insurance products in this Commonwealth's market. The Department recognizes the importance of improving efficiencies and has been working on the transformation of the Life product form filing process. Several months ago, the Department embarked on a project to revise and streamline Life product filing checklists, with a focus on promoting speed to market and product innovation. The previous process was causing delays in Life product development, therefore not allowing consumers in this Commonwealth access to the same products that were available to consumers in other states. These efforts have resulted in nearly a 60% reduction in the size and scope of the Life product

checklists. The revised checklists are available on the Department's web site at www.insurance.pa.gov. By streamlining, and in many cases eliminating unnecessary review standards, new products will be more readily available to consumers. Regulatory compliance will continue to be monitored through the Department's various Market Actions oversight and Enforcement activities.

Questions may be directed to Peter Camacci at pcamacci@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1321. Filed for public inspection July 13, 2012, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of David. R. Steele; file no. 12-114-120732; Progressive Advanced Insurance Company; Doc. No. P12-06-023; August 9, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1322. Filed for public inspection July 13, 2012, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), announces a meeting of the Authority's Board to be held at the Sheraton Harrisburg/Hershey Hotel, 4650 Lindle Road, Harrisburg, PA at 10 a.m. on Tuesday, July 24, 2012.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 12-1323. Filed for public inspection July 13, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 July 30, 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-2012-2301510. Jennifer Lynn Kottler, t/d/b/a Kottler Transportation (258 Old Tavern Road, Hunlock Creek, PA 18621) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Luzerne, Columbia and Wyoming, to points of interest in

Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2012-2295813. Nabil Nasr and Wael Hafez, Co-partners (407B Beaver Avenue, Enola, Cumberland County, PA 17025)—persons, in paratransit service, from points in the County of Lancaster, to points in Pennsylvania, and return.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2012-2295173. Pro Tech Ambulance Co., Inc. (3325 Edgemont Street, Philadelphia, PA 19134)—a corporation of the Commonwealth of Pennsylvania—for LogistiCare Solutions, LLC, under its Medical Assistance Transportation Program contract, between points in Philadelphia County. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1324. Filed for public inspection July 13, 2012, 9:00 a.m.]

Telecommunications

A-2012-2311589. Verizon North, Inc. and Dobson Cellular Systems, Inc. Joint petition of Verizon North, Inc. and Dobson Cellular Systems, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Dobson Cellular Systems, Inc. by its counsel, filed on June 27, 2012, at the Pennsylvania Public Utility Commission (Commission), a Joint petition for the approval of amendment No. 2 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Dobson Cellular Systems, Inc. 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. 12-1325. Filed for public inspection July 13, 2012, 9:00 a.m.]

Telecommunications

A-2012-2311593. Verizon North, LLC and New Cingular Wireless PCS, LLC. Joint petition of Verizon North, LLC and New Cingular Wireless PCS, LLC for approval of amendment No. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon North, LLC and New Cingular Wireless PCS, LLC by its counsel, filed on June 27, 2012, at the Pennsylvania Public Utility Commission (Commis-

sion), a joint petition for the approval of amendment No. 3 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and New Cingular Wireless PCS, 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. 12-1326. Filed for public inspection July 13, 2012, 9:00 a.m.]

Telecommunications

A-2012-2311591. Verizon Pennsylvania, Inc. and American Cellular Corporation. Joint petition of Verizon Pennsylvania, Inc. and American Cellular Corporation for approval of amendment No. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, Inc. and American Cellular Corporation by its counsel, filed on June 27, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 4 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and American Cellular Corporation 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. 12-1327. Filed for public inspection July 13, 2012, 9:00 a.m.]

Telecommunications

A-2012-2311596. Verizon Pennsylvania, Inc. and Dobson Cellular Systems, Inc. Joint petition of Verizon Pennsylvania, Inc. and Dobson Cellular Systems, Inc. for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, Inc. and Dobson Cellular Systems, Inc. by its counsel, filed on June 27, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amend-

ment No. 2 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Dobson Cellular Systems, Inc. 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. 12-1328. Filed for public inspection July 13, 2012, 9:00 a.m.]

amendment No. 2 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Southwestern Bell Mobile Systems, 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. 12-1330. Filed for public inspection July 13, 2012, 9:00 a.m.]

Telecommunications

A-2012-2311592. Verizon Pennsylvania, Inc. and New Cingular Wireless PCS, LLC. Joint petition of Verizon Pennsylvania, Inc. and New Cingular Wireless PCS, LLC for approval of amendment No. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, Inc. and New Cingular Wireless PCS, LLC by its counsel, filed on June 27, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 4 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and New Cingular Wireless PCS, 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. 12-1329. Filed for public inspection July 13, 2012, 9:00 a.m.]

Telecommunications

A-2012-2311594. Verizon Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC. Joint petition of Verizon Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, Inc. and Southwestern Bell Mobile Systems, LLC by its counsel, filed on June 27, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of

Water Service

A-2012-2311434. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of: 1) the transfer by sale of waterworks property and rights of the Fernwood Community Water System to Pennsylvania-American Water Company; and 2) the commencement by Pennsylvania American Water Company of water service to the public in additional portions of Middle Smithfield Township, Monroe County, presently being served by the Fernwood Community Water System.

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 July 30, 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, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1331. Filed for public inspection July 13, 2012, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.
Donna Redington, t/d/b/a Maneline Hair Studio;
Doc. No. 0300-45-09**

On May 15, 2012, Donna Redington, t/d/b/a Maneline Hair Studio, license no. CB118423, of Stroudsburg, Mon-

roe County, was levied a civil penalty of \$500, for acting in a grossly incompetent and unethical manner.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-1332. Filed for public inspection July 13, 2012, 9:00 a.m.]

STATE BOARD OF NURSING

Automatic Suspension of the License to Practice Professional Nursing of Yvonne Marie Diaz, LPN; Doc. No. 0547-51-12; File No. 12-51-06033

On May 4, 2012, Yvonne Marie Diaz, LPN, license no. PN254954L, of York, York County, was suspended for up to 1 year, retroactive to March 21, 2012, based upon her conviction under the Drug Act.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing'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 J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-1333. Filed for public inspection July 13, 2012, 9:00 a.m.]

STATE POLICE

Ephrata Station Closure Public Hearing

The State Police will hold a public hearing on Wednesday, July 25, 2012, at the Troop J, Lancaster Headquarters, 2099 Lincoln Highway East, Lancaster, PA 17602. The hearing will begin at 11 a.m. The subject of the hearing is the closure of the Ephrata Station of the State

Police located at 21 Springhouse Road, Ephrata, PA 17522 that is scheduled for August 17, 2012.

Individuals wishing to provide comment or address the hearing informally are asked to arrive at the Visitor Entrance located in the front of the Lancaster Headquarters no later than 10:50 a.m. on Wednesday, July 25, 2012. Advance sign up is not required. Written comment may be submitted in advance of the hearing date to the Legislative Affairs Office, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110.

Individuals in need of accommodation as provided for in the Americans with Disabilities Act of 1990 who wish to attend the hearing should contact Major Marshall A. Martin, Director, Legislative Affairs Office, State Police, (717) 783-5566.

COL. FRANK NOONAN,
Commissioner

[Pa.B. Doc. No. 12-1334. Filed for public inspection July 13, 2012, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

Bureau of Professional and Occupational Affairs v. Mandy N. Salas; Doc. No. 1853-56-10

On February 21, 2012, Mandy N. Salas, license no. RS305786, of Saltsburg, Indiana County, was indefinitely suspended and assessed a \$3,000 civil penalty for failing to complete 14 hours of continuing education in timely and acceptable courses, obtaining a license by false representation or by fraudulent act or conduct and failing to provide accurate and truthful information in an application and/or in the statements and papers that accompany the application to the State Real Estate Commission (Commission).

Individuals may obtain a copy of the order by writing to Juan A. Ruiz, Commission Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the Commission's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Board counsel.

JEFFREY J. JOHNSON,
Chairperson

[Pa.B. Doc. No. 12-1335. Filed for public inspection July 13, 2012, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June Meeting

As part of its regular business meeting held on June 7, 2012, in Binghamton, NY, the Susquehanna River Basin

Commission (Commission) took the following actions: 1) rescinded approval for one water resources project; 2) approved or tabled the applications of certain water resources projects; and 3) took additional actions as set forth in the Supplementary Information section as follows.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391. See also the Commission web site at www.srbc.net.

Supplementary Information

In addition to its related actions on projects identified in the previous summary and the following listings, the following items were also presented or acted on at the business meeting: 1) election of the State of Maryland as the Chair and the Federal government as the Vice Chair of the Commission for Fiscal Year (FY) 2013; 2) extension of the comment period for the proposed Low Flow Protection Policy from May 16, 2012, to July 16, 2012; 3) adoption of a Water Resources Program for FY 2013-2014; 4) amendment of a Records Processing Fee Schedule to include an Information Technology Services Fee, effective July 1, 2012; 5) amendment of a Regulatory Program Fee Schedule, effective July 1, 2012; 6) authorization to refinance the Curwensville Water Storage Project; 7) adoption of an FY 2014 budget subject to future revision; 8) amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; and 9) tabling of a request for an administrative hearing from Anadarko E&P Company, LP on a denial of approval for its Well PW-11.

Rescission of Project Approval

The Commission rescinded approval for the following project:

1. Project Sponsor and Facility: BAE Systems Controls, Town of Union, Broome County, NY (Docket No. 20030802).

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Anadarko E&P Company, LP (West Branch Susquehanna River), Piatt Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd (peak day).

2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Eagle Rock Utilities, Black Creek Township, Luzerne County, and Hazle Township, Schuylkill County, PA. Groundwater withdrawal of up to 0.220 mgd (30-day average) from Well ER-6, located in Black Creek Township, Luzerne County.

3. Project Sponsor and Facility: Aqua Infrastructure, LLC. Source approval of a regional water supply distribution system to natural gas operations centered in Lycoming County, PA.

4. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Clearfield Creek), Reade Township, Cambria County, PA. Surface water withdrawal of up to 0.432 mgd (peak day).

5. Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, PA. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.269 mgd (30-day average) (Docket No. 20030809).

6. Project Sponsor and Facility: Jo Jo Oil Company, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Surface water withdrawal of up to 0.999 mgd (peak day).

7. Project Sponsor and Facility: LDG Innovation, LLC (Tioga River), Lawrenceville Borough, Tioga County, PA. Modification to increase surface water withdrawal by an additional 0.375 mgd, for a total of 0.750 mgd (peak day) (Docket No. 20100311).

8. Project Sponsor and Facility: LHP Management, LLC (Muncy Creek), Muncy Creek Township, Lycoming County, PA. Surface water withdrawal of up to 0.999 mgd (peak day).

9. Project Sponsor and Facility: LHP Management, LLC (West Branch Susquehanna River), Muncy Creek Township, Lycoming County, PA. Surface water withdrawal of up to 3.000 mgd (peak day).

10. Project Sponsor and Facility: Mountain Country Energy Services, Inc. (Driftwood Branch Sinnemahoning Creek), Lumber Township, Cameron County, PA. Extension of Docket No. 20081213.

11. Project Sponsor and Facility: Niagara Gas & Oil Services, Inc. (Susquehanna River), Athens Township, Bradford County, PA. Surface water withdrawal of up to 0.999 mgd (peak day).

12. Project Sponsor and Facility: Northeast Natural Energy, LLC (West Branch Susquehanna River), Cooper Township, Clearfield County, PA. Surface water withdrawal of up to 0.500 mgd (peak day).

13. Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, PA. Groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 2 and of up to 0.617 mgd (30-day average) from Well 3.

14. Project Sponsor and Facility: Rausch Creek Land, LP, Porter Township, Schuylkill County, PA. Groundwater withdrawal of up to 0.100 mgd (30-day average) from Pit No. 21.

15. Project Sponsor and Facility: RES Coal, LLC (Clearfield Creek), Boggs Township, Clearfield County, PA. Surface water withdrawal of up to 0.275 mgd (peak day) and consumptive water use of up to 0.275 mgd (30-day average).

16. Project Sponsor and Facility: Roger D. Jarrett (West Branch Susquehanna River), Muncy Creek Township, Lycoming County, PA. Surface water withdrawal of up to 2.000 mgd (peak day).

17. Project Sponsor and Facility: Southwestern Energy Production Company (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Surface water withdrawal of up to 1.500 mgd (peak day).

18. Project Sponsor and Facility: SWEPI, LP (Chemung River), Town of Big Flats, Chemung County, NY. Renewal of surface water withdrawal of up to 0.107 mgd (peak day) (Docket No. 20080604).

19. Project Sponsor and Facility: SWEPI, LP (Cowanessque River), Lawrence Township, Tioga County, PA. Surface water withdrawal of up to 0.942 mgd (peak day).

20. Project Sponsor and Facility: SWEPI, LP (Tioga River-Tioga Junction), Lawrence Township, Tioga County, PA. Renewal of surface water withdrawal of up to 0.107 mgd (peak day) (Docket No. 20080606).

21. Project Sponsor and Facility: Talisman Energy USA, Inc. (Chemung River), Town of Chemung, Chemung County, NY. Modification and renewal of surface water withdrawal of up to 2,000 mgd (peak day) (Docket No. 20080605).

22. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Susquehanna River), Asylum Township, Bradford County, PA. Surface water withdrawal of up to 1.080 mgd (peak day) and consumptive water use of up to 0.030 mgd (30-day average).

23. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Renewal of consumptive water use of up to 0.387 mgd (peak day); groundwater withdrawal of up to 0.173 mgd from Well 1; groundwater withdrawal of up to 0.173 mgd from Well 2; groundwater withdrawal of up to 0.173 mgd from Well 4; and a total system withdrawal limit of up to 0.350 mgd (30-day average) (Docket No. 19870301).

24. Project Sponsor and Facility: WPX Energy Appalachia, LLC (North Branch Wyalusing Creek), Middletown

Township, Susquehanna County, PA. Surface water withdrawal of up to 0.750 mgd (peak day).

Project Applications Tabled

The following project applications were tabled by the Commission:

1. Project Sponsor and Facility: Aqua Resources, Inc. (Susquehanna River), Athens Township, Bradford County, PA. Application for surface water withdrawal of up to 0.900 mgd (peak day).

2. Project Sponsor and Facility: OTT North East Services, LLC (Starrucca Creek), Harmony Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.480 mgd (peak day).

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: June 25, 2012.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 12-1336. Filed for public inspection July 13, 2012, 9:00 a.m.]