

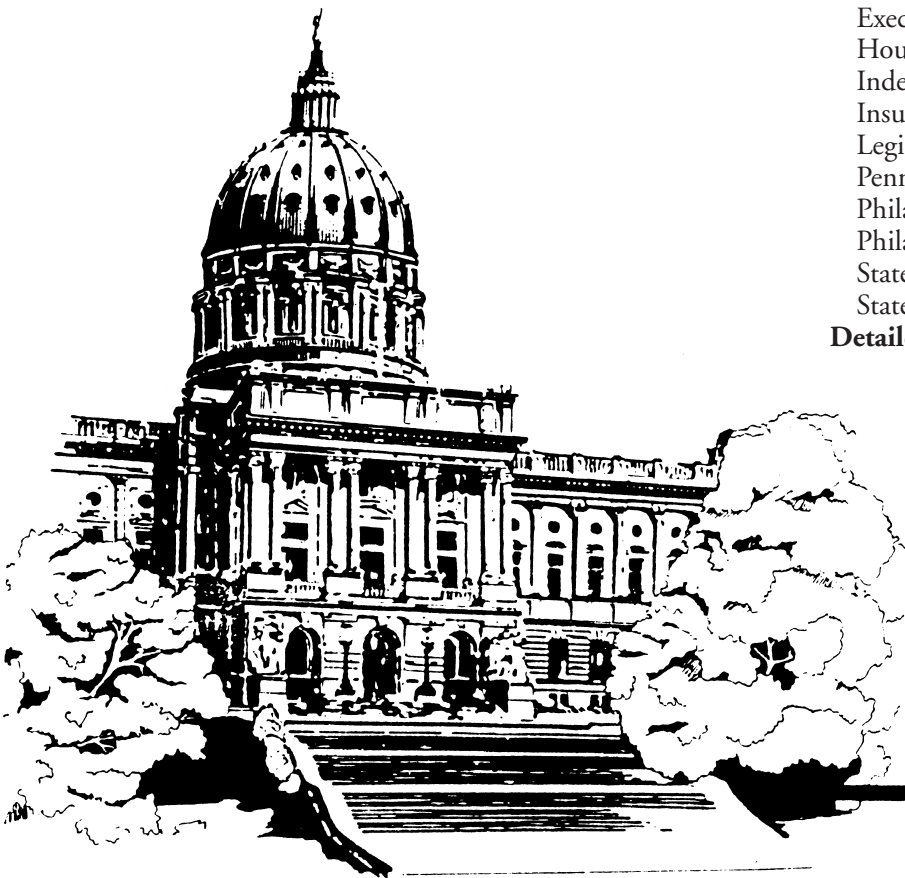
PENNSYLVANIA BULLETIN

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Agencies in this issue

The General Assembly
The Courts
Board of Coal Mine Safety
Department of Banking
Department of Environmental Protection
Department of Revenue
Environmental Hearing Board
Executive Board
Housing Finance Agency
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Philadelphia Regional Port Authority
State Board of Pharmacy
State Board of Psychology

Detailed list of contents appears inside.



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CONTENTS

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings scheduled 5332

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of suspension (3 documents) 5352

JUVENILE RULES

Order amending Rules 200 and 404 and adopting new Rule 337 of the Rules of Juvenile Court Procedure; no. 574 Supreme Court Rules doc. ... 5350

RULES OF CRIMINAL PROCEDURE

Order adopting new Rules 595, 596, 597 and 598, amending Rules 113, 119, 540 and 571, and revising the comments to Rules 117, 514, 515, 543, 570, 578 and 1003 of the Rules of Criminal Procedure; no. 416 criminal procedural rules doc. 5333

Order amending Rules 907, 908 and 909 and revising the comment to Rule 910 of the Rules of Criminal Procedure; no. 415 criminal procedural rules doc. 5347

EXECUTIVE AGENCIES

BOARD OF COAL MINE SAFETY

Notices

Meeting cancellation 5375

DEPARTMENT OF BANKING

Notices

Maximum lawful rate of interest for residential mortgages for the month of September 2012 5375

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 5375

Availability of technical guidance 5435

Bid opportunity 5435

Nutrient Credit Trading Program; notice of certification requests 5435

Public notice of availability of draft National Pollutant Discharge Elimination Systems general permit for stormwater discharges associated with construction activities (PAG-02) 5436

Request for comments on the proposed total maximum daily loads (TMDLs) developed for sediment-impaired Dalmatia Creek watershed in Northumberland County 5434

Request for comments on the proposed total maximum daily loads (TMDLs) developed for sediment-impaired streams of the Spicer Brook watershed in Bedford County 5434

Storage Tank Advisory Committee meeting cancellation 5437

Suspension of enforcement of the stage II vapor recovery requirements for control of emissions of volatile organic compounds from new and newly affected gasoline dispensing facilities in the Philadelphia and Pittsburgh-Beaver Valley areas 5437

Water Resources Advisory Committee ad hoc workgroup special meetings 5437

DEPARTMENT OF REVENUE

Notices

Pennsylvania Crossword '12 instant lottery game; correction 5438

Pennsylvania Platinum Millions instant lottery game 5438

Pennsylvania The Price is Right '12 instant lottery game 5442

ENVIRONMENTAL HEARING BOARD

Notices

Orograin Bakeries Manufacturing, Inc., d/b/a Stroehmann Bakeries v. DEP and Centura Development Company, Inc. and/or Keith Eck, permittee; EHB doc. no. 2012-140-M; 6-30-12—issuance of NPDES permit no. PAI 044112001 5447

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Department of Conservation and Natural Resources 5371

Reorganization of the Department of Revenue 5371

Reorganization of the Pennsylvania State Police ... 5371

HOUSING FINANCE AGENCY

Notices

Homeowner's Emergency Mortgage Assistance Program; availability of funds and restart of Program; uniform notice; current list of counseling agencies and interest rate for loans closed in 2012 5447

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by the Commission 5452

INSURANCE DEPARTMENT

Notices

Agency contract termination of Arthur M. Yeager Agency, Inc. under Act 143; Westfield Insurance; doc. no. AT12-08-001 5452

Agency contract termination of Hawk Insurance Agency, LLC under Act 143; Westfield Insurance Company; doc. no. AT12-07-014 5453

Appeal of Superior Petroleum Co., Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF file no. 2009-0125(S); doc. no. UT12-07-008 5453

Highmark Health Insurance Company; small group base rating formula revisions for 4Q2012; rate filing 5453

Review procedure hearings; cancellation or refusal of insurance 5453

Now Available Online at <http://www.pabulletin.com>

Review procedure hearings under the Unfair Insurance Practices Act 5454
 State Farm Fire and Casualty Company; homeowners; rate and rule revision 5454

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published 5455

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Act 129 Energy Efficiency and Conservation Program phase II; doc. no. M-2012-2289411 5455
 Notice to water and wastewater utilities, electric distribution companies, natural gas distribution companies, city natural gas distribution operations and interested parties 5456
 Service of notice of motor carrier applications 5456
 Telecommunications 5457
 2013 schedule of filing dates for recovery of purchased gas costs; doc. no. L-840102 5457

PHILADELPHIA PARKING AUTHORITY

Notices

Motor carrier medallion transfer application for service in the City of Philadelphia (3 documents) 5457, 5458
 Request for information and comment concerning Act 119 of 2012 5458

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for qualifications 5459

STATE BOARD OF PHARMACY

Proposed Rulemakings

Pharmacy internship 5353

STATE BOARD OF PSYCHOLOGY

Proposed Rulemakings

Code of Ethics 5355

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

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.

4 Pa. Code (Administration)

Adopted Rules

1	1631
5	3559, 3561, 5146
6	1633, 3199, 3559, 3561, 3563, 5146
7	5148
7a	3566, 5148

Statements of Policy

9	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371
68	5242

7 Pa. Code (Agriculture)

Proposed Rules

46	5218
76	5218
143	1378

22 Pa. Code (Education)

Adopted Rules

4	1859
10	4574

25 Pa. Code (Environmental Protection)

Adopted Rules

121	4459
126	4459
128	4462
130	4463
806	2193

Proposed Rules

77	553
86	1228
93	4367
105	553
121	779, 3596, 4363
123	3596
129	779
130	779
139	3596, 4363

Statements of Policy

16	4187
----------	------

34 Pa. Code (Labor and Industry)

Adopted Rules

231	2273
-----------	------

Proposed Rules

65	2378
225	4468
401	1861
403	1861

40 Pa. Code (Liquor)

Adopted Rules

3	388
11	4465

Proposed Rules

15	1504
----------	------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

16	2955
18	2955
27	5182
33	769
35	1376

Proposed Rules

16	1122, 2469, 3597
18	2469, 3597
25	2474, 3607
27	5353
41	5355

52 Pa. Code (Public Utilities)

Adopted Rules

54	5185
57	9
59	9
62	2159
63	3728
65	9
67	9
1055	777

Proposed Rules

54	796, 3458
59	3454
62	2034, 3458
69	3458, 3458
72	3458
1005	2746

Statements of Policy

69	1034, 1044
----------	------------

55 Pa. Code (Public Welfare)

Adopted Rules

51	3230
52	2730
165	1992
168	2000
299	2007
1101	2010
1121	2015
1163	2023
1187	673, 3733
1189	3733
3041	2000, 2029
6211	3261

Statements of Policy

1187	3748
3270	675
3280	675
3290	675

58 Pa. Code (Recreation)

Adopted Rules

65	3445
69	1502
71	1859
131	5213
135	3581
139	3581

141 3588, 3590, 3591, 3592, 3593, 5214
 143 5215
 147 3594, 4305, 5216
 401a 2585
 461a 2585, 4305
 465a 2585
 467a 2585
 521 2585, 2629
 523 2649
 524 2675, 4305
 525 2585
 526 2629
 527 2629
 528 2675, 4305
 529 2675, 4305
 531 2877
 533 2877
 535 2886
 537 2886
 539 2886
 541 2906
 543 2906
 545 2906
 549 2922, 4320
 551 2686
 553 2686
 555 4320, 4584
 557 4333
 559 4333
 561 2922, 4320
 563 4320, 4584
 565 4333
 567 2877
 569 4333
 571 2686
 573 2686
 577 4697
 601a 2629
 603a 2649
 605a 2675, 4305
 609a 2629
 611a 2629
 613a 2675, 4305
 615a 2675, 4305
 617a 2877
 619a 2877
 621a 2886
 623a 2886
 625a 2886
 627a 2906
 629a 2906
 631a 2906
 633a 2922, 4320
 635a 2686
 637a 2686
 639a 4320, 4584
 641a 4333
 643a 4333
 645a 2922, 4320
 647a 4320, 4584
 649a 4333
 651a 2877
 653a 4333
 655a 2686
 657a 2686

Proposed Rules

29 4720
 61 1862
 65 3449

75 3449
 93 3446
 99 3446
 105 3446
 109 3446
 115 4472
 131 3268, 5236
 133 5238
 135 1238, 5235
 139 1238, 1864
 141 1231, 1232, 1233, 1235, 1236, 3268, 5234
 143 3267
 147 1244, 3270, 5236
 401a 2962
 435a 2962
 437a 2962
 441a 2962

61 Pa. Code (Revenue)

Proposed Rules

7 1222
 117 2381
 119 2381
 121 2381
 901 1222

67 Pa. Code (Transportation)

Adopted Rules

231 25

Proposed Rules

84 3746
 175 4704
 443 4702

Statements of Policy

190 2481

101 Pa. Code (General Assembly)

Statements of Policy

31 29

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

2 4907
 5 4907

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

81 1637, 2186, 3127, 3431
 82 1638
 83 1637, 1639, 2186, 3127, 3431
 85 5156
 87 5156
 89 5156
 91 5156
 93 5156

Proposed Rules

213 658
 303 1798, 4846

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 2269
 3 374, 4693
 9 2269
 11 2269
 15 2269
 37 3569
 67 1642, 4450
 69 4450

Proposed Rules

1 1640
 3 1360
 15 1360
 19 1986
 21 1640
 37 659

225 Pa. Code (Rules of Evidence)

Adopted Rules

Article VI 1858

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 377, 1363
 1700 2954
 1910 379, 545, 930
 3000 4907
 4000 3574
 Part II 4908

Proposed Rules

200 377
 1900 3722
 1910 1642, 3722, 3724, 3726
 1915 1660

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1364, 4140, 5333
 5 2465, 4140, 5333
 6 545, 4140
 9 4140, 5347
 10 4140, 5333

Proposed Rules

1 380, 5164
 5 1369, 4568
 6 380, 1369, 4568
 8 4568

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 547, 3203
 2 4908, 4909, 5350
 3 3203, 4909, 5350
 4 664, 4909, 5350
 5 1214, 4909
 6 1214
 8 4909

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

1000 4913

Proposed Rules

200 1116
 300 1116

249 Pa. Code (Philadelphia Rules)

Unclassified ... 1217, 1372, 2186, 2188, 2467, 3130, 4160

252 Pa. Code (Allegheny County Rules)

Unclassified 930, 2727, 3436, 3437, 3438, 3439, 3440

255 Pa. Code (Local Court Rules)

Unclassified 8, 203, 550, 551,
 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375,
 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271,
 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440,
 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913,
 4914, 5167, 5179, 5180

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings to be held at the Crowne Plaza Hotel, 23 South Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, September 12, 2012	3 p.m.	Public Hearing Pennsylvania Judicial Center 601 Commonwealth Avenue, Harrisburg, PA
	6 p.m.	Dinner Meeting Crowne Plaza Hotel 23 South Second Street, Harrisburg, PA
Thursday, September 13, 2012	9 a.m.	Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue, Harrisburg, PA
	1 p.m.	Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue, Harrisburg, PA

Commission meetings are open to the public. Direct any questions related to the Commission meetings to Mark H. Bergstrom, Executive Director, (814) 863-4368, mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 12-1588. Filed for public inspection August 17, 2012, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 5 AND 10]

Order Adopting New Rules 595, 596, 597 and 598, Amending Rules 113, 119, 540 and 571, and Revising the Comments to Rules 117, 514, 515, 543, 570, 578 and 1003 of the Rules of Criminal Procedure; No. 416 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 31st day of July, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 4636 (August 14, 2010), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 997), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that

(1) new Pennsylvania Rules of Criminal Procedure 595, 596, 597, and 598 are adopted;

(2) Pennsylvania Rules of Criminal Procedure 113, 119, 540, and 571 are amended; and

(3) the Comments to Pennsylvania Rules of Criminal Procedure 117, 514, 515, 543, 570, 578, and 1003 are revised,

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 113. Criminal Case File and Docket Entries.

* * * * *

(C) The docket entries shall include at a minimum the following information:

* * * * *

(6) a notation if the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302;

(7) the location of exhibits made part of the record during the proceedings; and

[(7)] (8) all other information required by Rules 114 and 576.

* * * * *

Official Note: Former Rule 9024 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt

occurs on or after January 1, 1994; renumbered Rule 9025 June 2, 1994, effective September 1, 1994. New Rule 9024 adopted June 2, 1994, effective September 1, 1994; renumbered Rule 113 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004 and replaced by Rule 114(C), effective July 1, 2004. New Rule 113 adopted March 3, 2004, effective July 1, 2004; amended July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2012 amendment adding new paragraph (6) concerning defendants under the age of 18 published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

* * * * *

Comment

* * * * *

By providing the alternate systems of coverage in paragraph (B), this rule recognizes the differences in the geography and judicial resources of the judicial districts.

* * * * *

The proceedings enumerated in paragraph (A)(2) include (1) setting bail before verdict pursuant to Rule 520(A) and Rule 540, and either admitting the defendant to bail or committing the defendant to jail, and (2) determining probable cause whenever a defendant is arrested without a warrant pursuant to Rule [540(C)] 540(E).

* * * * *

Official Note: Former Rule 117 adopted September 20, 2002, effective January 1, 2003; renumbered Rule 118 June 30, 2005, effective August 1, 2006. New Rule 117 adopted June 30, 2005, effective August 1, 2006; **Comment revised July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(C) to Rule 540(E) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 119. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings.

(A) The court or issuing authority may use two-way simultaneous audio-visual communication at any criminal proceeding except:

- (1) preliminary hearings;
- (2) proceedings pursuant to Rule 569(A)(2)(b);
- (3) proceedings pursuant to Rules 595 and 597;
- (4) trials;

[(4)] (5) sentencing hearings;

[(5)] (6) parole, probation, and intermediate punishment revocation hearings; and

[(6)] (7) any proceeding in which the defendant has a constitutional or statutory right to be physically present.

* * * * *

Official Note: New Rule 118 adopted August 7, 2003, effective September 1, 2003; renumbered Rule 119 and Comment revised June 30, 2005, effective August 1, 2006; amended January 27, 2006, effective August 1, 2006; Comment revised May 4, 2009, effective August 1, 2009; amended July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2012 amendment to paragraph (A) adding proceedings under Rule 595 and 597 as a proceedings for which ACT may not be used published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 514. Duplicate and Reissued Warrants of Arrest.

* * * * *

Comment

* * * * *

Under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as a duplicate or reissued arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant for purposes of execution under Rule 515. Nothing in this rule, however, is intended to curtail the Rule [540(C)] 540(D) requirement that the issuing authority provide the defendant with an exact copy of the warrant at the preliminary arraignment. See Rule 513 (Requirements for Issuance).

* * * * *

Official Note: Original Rule 113 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 113 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 121 September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 514 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006; **Comment revised July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(C) to Rule 540(D) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 515. Execution of Arrest Warrant.

* * * * *

Comment

* * * * *

For purposes of executing an arrest warrant under this rule, warrant information transmitted by using advanced

communication technology has the same force and effect as an original arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant. Nothing in this rule, however, is intended to curtail the Rule [540(C)] 540(D) requirement that the issuing authority provide the defendant with an exact copy of the warrant. See Rule 513 (Requirements for Issuance).

Paragraph (C) abolishes the traditional practice known as "NEI" or "no est inventus" as being no longer necessary.

Official Note: Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 515 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended February 12, 2010, effective April 1, 2010; **Comment revised July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. [4325] 4342 (August 27, 1994).

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

Final Report explaining the May 10, 2002 Comment revision concerning advanced communication technology published with the Court's Order at 32 Pa. B. 2582 (May 25, 2002).

Final Report explaining the February 12, 2010 changes adding new paragraph (C) and the Comment revision published with the Court's Order at 40 Pa.B. [1068] 1071 (February 27, 2010).

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(C) to Rule 540(D) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 540. Preliminary Arraignment.

(A) In the discretion of the issuing authority, the preliminary arraignment of the defendant may be conducted by using two-way simultaneous audio-visual communication. When counsel for the defendant is present, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the preliminary arraignment.

(B) **If the defendant is under the age of 18 at the time the complaint is filed and is charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, the issuing authority shall determine whether the defendant's parents, guardian, or other custodian have been notified of the charge(s). If the parents, guardian, or other custodian have not been notified, the issuing authority shall notify them.**

(C) At the preliminary arraignment, a copy of the complaint accepted for filing pursuant to Rule 508 shall be given to the defendant.

[(C)] (D) If the defendant was arrested with a warrant, the issuing authority shall provide the defendant with copies of the warrant and supporting affidavit(s) at the preliminary arraignment, unless the warrant and affidavit(s) are not available at that time, in which event the defendant shall be given copies no later than the first business day after the preliminary arraignment.

[(D)] (E) If the defendant was arrested without a warrant pursuant to Rule 519, unless the issuing authority makes a determination of probable cause, the defendant shall not be detained.

[(E)] (F) The issuing authority shall not question the defendant about the offense(s) charged but shall read the complaint to the defendant. The issuing authority shall also inform the defendant:

- (1) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 122;
- (2) of the right to have a preliminary hearing; and
- (3) if the offense is bailable, the type of release on bail, as provided in Chapter 5 Part C of these rules, and the conditions of the bail bond.

[(F)] (G) Unless the preliminary hearing is waived by a defendant who is represented by counsel, the issuing authority shall:

- (1) fix a day and hour for a preliminary hearing which shall not be less than 3 nor more than 10 days after the preliminary arraignment, unless:
 - (a) extended for cause shown; or
 - (b) the issuing authority fixes an earlier date upon request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and
- (2) give the defendant notice, orally and in writing,
 - (a) of the date, time, and place of the preliminary hearing, and
 - (b) that failure to appear without good cause for the preliminary hearing will be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority, and will result in the case proceeding in the defendant's absence and in the issuance of a warrant of arrest.

[(G)] (H) After the preliminary arraignment, if the defendant is detained, the defendant shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she shall be committed to jail as provided by law.

[(H)] (I) If a monetary condition of bail is set, the issuing authority shall accept payment of the monetary condition, as provided in Rule 528, at any time prior to the return of the docket transcript to the court of common pleas.

Comment

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Paragraph [(C)] (D) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. See also Rules 513(A), 208(A), and 1003.

Paragraph [(C)] (D) includes a narrow exception [**which**] that permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on

the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

Nothing in this rule is intended to address public access to arrest warrant affidavits. See *Commonwealth v. Fenstermaker*, 515 Pa. 501, 530 A.2d 414 ([Pa.] 1987).

When a defendant has not been promptly released from custody after a warrantless arrest, the defendant must be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. See Rule 519(A).

Under paragraph [(D)] (E), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before a defendant may be detained. See *Riverside v. McLaughlin*, 500 U.S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

Pursuant to the 2004 amendment to paragraph [(F)(2)] (G)(2), at the time of the preliminary arraignment, the defendant must be given notice, both orally and in writing, of the date, time, and place of the preliminary hearing. The notice must also explain that, if the defendant fails to appear without good cause for the preliminary hearing, the defendant's absence will constitute a waiver of the right to be present, the case will proceed in the defendant's absence, and a warrant for the defendant's arrest will be issued.

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of the defendant to have his or her parents, guardian, or other custodian present.

See Rule 1003(D) for the procedures governing preliminary arraignments in the Municipal Court.

See Chapter 5, Part H, Rules 595, 596, 597, and 598, for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

Official Note: Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; **amended July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

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Final Report explaining July 31, 2012 amendments concerning defendants under the age of 18 and charged with one of the offenses enumerated in 42 Pa.C.S. § 6302(2)(i), (ii), or (iii) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 543. Disposition of Case at Preliminary Hearing.

* * * * *
Comment
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When a defendant fails to appear for the preliminary hearing, before proceeding with the case as provided in paragraph (D), the issuing authority must determine (1) whether the defendant received notice of the time, date, and place of the preliminary hearing either in person at a preliminary arraignment as provided in Rule [540(F)(2)] 540(G)(2) or in a summons served as provided in Rule 511, and (2) whether the defendant had good cause explaining the absence.

* * * * *

Official Note: Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended February 12, 2010, effective April 1, 2010; amended January 27, 2011, effective in 30 days; Comment revised July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the February 12, 2010 [amendments] amendment adding new paragraph (G) prohibiting remands to the issuing authority published with the Court's Order at 40 Pa.B. 1068 (February 27, 2010).

Court's Order adopting the January 27, 2011 amendments to paragraph (B) concerning prima facie case published at 41 Pa.B. 834 (February 12, 2011).

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(F)(2) to Rule 540(G)(2) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

PART G. Procedures Following Filing of Information

Rule 570. Pretrial Conference.

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Comment

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The 1978 addition of the phrase "or a pro se defendant" in paragraph (A), and the deletion of paragraph (d), were made pursuant to the decision of the United States Supreme Court in Faretta v. California, 422 U.S. 806 (1975).

See Rule 595 for the requirements for a mandatory status conference following the arraignment in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

Official Note: Rule 311 adopted June 30, 1964, effective January 1, 1965; amended February 15, 1974, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended August 12, 1993, effective September 1, 1993; renumbered Rule 570 March 1, 2000, effective April 1, 2001; Comment revised July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

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

Final Report explaining July 31, 2012 Comment revision cross-referencing proposed new Rule 595 concerning requests for transfer from criminal proceedings to juvenile proceedings published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 571. Arraignment.

* * * * *

(C) At arraignment, the defendant shall be advised of:

- (1) the right to be represented by counsel;
(2) the nature of the charges contained in the information; and

(3) the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed.

If the defendant or counsel has not received a copy of the information(s) pursuant to Rule 562, a copy thereof shall be provided.

* * * * *

Comment

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Paragraph (D) is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail. For the procedures to provide notice of court proceedings requiring the defendant's presence, see Rule 114.

See Rule 596 for the procedures for requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in

which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302. See also Rules 595 (mandatory status conference), 597 (procedures when motion filed), and 598 (place of detention).

Official Note: Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph (b) amended November 22, 1971, effective immediately; paragraphs (a) and (b) amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs (a) and (c) amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303. New Rule 303 adopted May 1, 1995, effective July 1, 1995; renumbered Rule 571 and amended March 1, 2000, effective April 1, 2001; amended November 17, 2000, effective January 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended July 31, 2012, effective 2012.**

Committee Explanatory Reports:

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Final Report explaining the July 31, 2012 amendments concerning requests for transfer from criminal proceedings to juvenile proceedings published with the Court’s Order at 42 Pa.B. 5340 (August 18, 2012).

PART G1. Motion Procedures

Rule 578. Omnibus Pretrial Motion for Relief.

* * * * *

Comment

Types of relief appropriate for the omnibus pretrial motions include the following requests:

* * * * *

(8) for appointment of investigator; [and]

(9) for pretrial conference[.]; and

(10) for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322.

The omnibus pretrial motion rule is not intended to limit other types of motions, oral or written, made pretrial or during trial, including those traditionally called motions *in limine*, which may affect the admissibility of evidence or the resolution of other matters. The earliest feasible submissions and rulings on such motions are encouraged.

Official Note: Formerly Rule 304, adopted June 30, 1964, effective January 1, 1965; amended and renumbered Rule 306 June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended October 21, 1983, effective January 1, 1984; Comment revised

October 25, 1990, effective January 1, 1991; Comment revised August 12, 1993, effective September 1, 1993; renumbered Rule 578 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

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

Final Report explaining the July 31, 2012 Comment revision adding motions for transfer published with the Court’s Order at 42 Pa.B. 5340 (August 18, 2012).

PART I. Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings

- Rule 595. Mandatory Status Conference.
- 596. Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings.
- 597. Procedures Following the Filing of a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings.
- 598. Place of Detention During Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322.

(Editor’s Note: Rules 595—598 are new and printed in regular type to enhance readability.)

Rule 595. Mandatory Status Conference.

(A) In all cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, the judge shall hold a status conference.

(1) The status conference shall be held no later than 40 days after the arraignment.

(2) The defendant, the defendant’s attorney, and the attorney for the Commonwealth shall be present at the status conference.

(B) At the status conference, the judge shall determine whether the defendant has filed a motion requesting the transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322, or is requesting additional time to file a motion for transfer, or does not intend to file a motion.

(1) If the defendant is requesting additional time to file the motion for transfer and the judge agrees to the request, the judge shall set the date by which the motion for transfer shall be filed.

(2) When the defendant has filed a motion, the judge shall determine whether the motion for transfer is ready to be heard and the case shall proceed as provided in Rule 597.

(3) If the defendant is not going to file a motion for transfer or the judge denies the defendant’s request for additional time to file a motion, the case shall continue to proceed as a court case under the Rules of Criminal Procedure.

Comment

This rule mandates a status conference in all cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense, was charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302, and therefore may seek transfer from

criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322. *Cf.* Rule 570 (pretrial conference discretionary with judge).

See Rule 596 for the procedures for filing a motion requesting transfer from criminal proceedings to juvenile proceedings.

See Rule 597 for the procedures after a motion for transfer has been filed.

See Rule 598 for the procedures concerning the pretrial place of detention of the defendant who was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302. See also 42 Pa.C.S. § 6327(c.1).

At the status conference, in addition to determining whether a motion for transfer has been or will be filed,

(1) the judge and parties may consider matters related to the conduct of the hearing including the simplification or stipulation of factual issues, including admissibility of evidence; the qualification of exhibits as evidence to avoid unnecessary delay; the number of witnesses who are to give testimony of a cumulative nature; and such other matters as may aid in the disposition of the motion.

(2) The parties may request an order from the judge for the release of records or other materials relevant to the defendant’s motion for transfer, for the appointment of experts, for the examination of the defendant, for a report from the juvenile probation office, or for any other aids necessary to the disposition of the motion for transfer. The request, if authorized by law, may be made *ex parte*.

(3) The parties have the right to record an objection to rulings of the judge during the status conference.

(4) The judge must place on the record the agreements or objections made by the parties and rulings made by the judge as to any of the matters considered in the status conference. Such order controls the subsequent proceedings unless modified at the hearing on the transfer motion to prevent injustice.

Nothing in this rule gives the defendant’s parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of a defendant to have his or her parents, guardian, or other custodian present.

As used in this rule, “judge” means judge of the court of common pleas.

Official Note: Adopted July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

Final Report explaining the July 31, 2012 new rule published with the Court’s Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 596. Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings.

A request for the transfer from criminal proceedings to juvenile proceedings in a case in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302 shall be made in the form of a motion.

(1) Any motion under this rule shall be filed after the preliminary hearing but not later than 30 days after arraignment.

(2) The motion shall be filed with the clerk of courts.

(3) A copy of the motion shall be served on the attorney for the Commonwealth concurrently with filing.

Comment

The rule establishes the latest time for filing a motion requesting transfer from criminal to juvenile proceedings by requiring that any motion must be filed no later than 30 days after the arraignment. However, as with omnibus pretrial motions, the judge may extend the time for filing for cause shown. Contemplated within the concept of “cause shown” is, for example, a finding by the court that discovery has not been completed, or that contested motions for discovery or for a bill of particulars are pending.

By permitting the motion to be filed at any time after the preliminary hearing, this rule encompasses what is the practice in a number of judicial districts and recognizes the importance of prompt determinations in these cases. Furthermore, nothing in this rule is intended to preclude judicial districts by local rule from imposing a shorter period of time after the preliminary hearing within which the motion must be filed.

For the general requirements concerning the filing and service of motions, notices, and other documents by parties, see Rule 576.

Official Note: Adopted July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

Final Report explaining the July 31, 2012 new rule published with the Court’s Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 597. Procedures Following the Filing of a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings.

(A) If the judge at the status conference conducted pursuant to Rule 595 determines the motion for transfer is not ready to be heard, the judge shall schedule additional status conferences no later than every 60 days after the first status conference until the motion for transfer is ready to be heard. At the status conference, the parties shall advise the judge of the status of all matters pertinent to whether the motion for transfer is ready to be heard.

(B) When the judge determines the motion for transfer is ready to be heard, the judge shall schedule the hearing on the motion for transfer to be held no later than 30 days after the determination. Notice of the hearing date shall be given to the defendant, the defendant’s attorney, and the attorney for the Commonwealth.

(C) At the conclusion of the hearing, but in no case longer than 20 days after the conclusion of the hearing, the judge shall announce the decision in open court. The judge shall enter an order granting or denying the motion for transfer, and set forth in writing or orally on the record the findings of fact and conclusions of law.

(D) If the judge does not render a decision within 20 days of the conclusion of the hearing, the motion for transfer shall be denied by operation of law. The clerk of courts immediately shall enter an order on behalf of the judge.

(E) If the judge grants the motion,

(1) the judge immediately shall order the transfer of the case from criminal proceedings to juvenile proceedings and the case shall proceed pursuant to the Rules of

Juvenile Court Procedure and the Juvenile Act, except as provided in paragraph (E)(3).

(2) The judge shall order the defendant to be taken forthwith to the juvenile probation office, except as provided in paragraph (E)(3).

(3) If, within 30 days of the judge's order transferring the case from criminal proceedings to juvenile proceedings, the attorney for the Commonwealth files a notice of appeal from the order, the judge shall:

(a) stay the juvenile proceedings pending disposition of the appeal; and

(b) review the defendant's bail status and may release the defendant conditioned upon the defendant being detained in a secure detention facility pursuant to Rule 598.

(F) If the judge denies the motion for transfer or the clerk of courts enters an order denying the motion for transfer on behalf of the judge, the case shall continue to proceed as a court case under the Rules of Criminal Procedure.

(G) The clerk of courts shall serve copies of the order granting or denying the motion for transfer to the defendant, the defendant's attorney, and the attorney for the Commonwealth.

Comment

At the additional status conferences, the parties may request additional orders from the judge for the release of records or other materials relevant to the defendant's motion for transfer, for the appointment of experts, for the examination of the defendant, for a report from the juvenile probation office, or for any other aids necessary to the disposition of the motion for transfer. The request, if authorized by law, may be made *ex parte*.

Nothing in this rule is intended to preclude the practice in some judicial districts of notifying the juvenile probation office when a motion requesting transfer is filed or of the date of the hearing on the motion.

Pursuant to 42 Pa.C.S. § 6322(a) of the Juvenile Act, at the hearing on the motion for transfer, the burden of proof is on the defendant "to establish by a preponderance of the evidence that the transfer will serve the public interest."

Paragraph (C) is derived from the 42 Pa.C.S. § 6322(b) of the Juvenile Act. The judge, when making his or her findings of fact and conclusions of law, must comply with the Juvenile Act's requirement that the judge "make findings of fact, including specific references to the evidence, and conclusions of law in support of the transfer order."

Paragraph (D) also is derived from the requirements of 42 Pa.C.S. § 6322(a) of the Juvenile Act, that "the defendant's petition to transfer the case shall be denied by operation of law" in any case in which the judge "does not make its finding within 20 days of the hearing on the petition to transfer the case."

When the judge grants a motion to transfer, paragraph (E)(2) requires that the case immediately be transferred for juvenile proceedings pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act, and the criminal court no longer has jurisdiction over the case. However, because the transfer order is immediately appealable by the Commonwealth, *Commonwealth v. Johnson*, 542 Pa. 568, 669 A.2d 315 (1995), an appeal by the Commonwealth would preclude the transfer of the case and

proceedings pursuant to the Rules of Juvenile Court Procedure. *See*, 42 Pa.C.S. § 6322(d).

When the defendant is taken to the juvenile probation office following the granting of a transfer motion as required in paragraph (E)(2), the juvenile probation officer will determine, pursuant to 42 Pa.C.S. § 6325, whether the defendant should be detained or placed in shelter care or released to the custody of his or her parent, guardian, custodian, or other person legally responsible for him or her. *See, also*, 42 Pa.C.S. § 6322(d).

Paragraph (E)(3) recognizes the right of the Commonwealth to appeal the transfer order. If the Commonwealth files a notice of appeal, the judge will stay the juvenile proceedings and review the bail status of the defendant, considering whether the defendant should be detained in a secure detention facility during the stay. Pursuant to the rule, the judge may release the defendant from custody in an adult jail conditioned upon the defendant being detained in a secure detention facility. *See* Rule 524(C)(2) that permits a judge to release a defendant on nonmonetary conditions.

Nothing in this rule gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of a defendant to have his or her parents, guardian, or other custodian present.

As used in this rule, "judge" means judge of the court of common pleas.

Official Note: Adopted July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

Final Report explaining the July 31, 2012 new rule published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Rule 598. Place of Detention During Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322.

(A) Except as provided in paragraph (B), a defendant who is under the age of 18 at the time the complaint is filed and is charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302 shall be detained in the county jail unless released on bail.

(B) A defendant, who may seek or is seeking transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 and has not been released on bail, may file a motion in the court of common pleas requesting that he or she be detained in a secure detention facility.

(1) If the attorney for the Commonwealth consents to the motion requesting detention in a secure detention facility, the judge may order that the defendant be detained in a secure detention facility until:

(a) the defendant is released on bail; or

(b) the judge determines that the defendant is not seeking transfer of the case pursuant to 42 Pa.C.S. § 6322; or

(c) the judge denies the motion for transfer filed pursuant to 42 Pa.C.S. § 6322.

(2) In no event may the defendant be detained in a secure detention facility after the defendant's 18th birthday, unless:

(a) the judge has granted the motion to transfer filed pursuant to 42 Pa.C.S. § 6322; or

(b) the juvenile court has issued an order for the defendant's secure detention in a separate delinquency case.

(3) If the attorney for the Commonwealth files a notice of appeal from the judge's order transferring the case from criminal proceedings to juvenile proceedings pursuant to Rule 597, the judge may order the release of the defendant conditioned upon the defendant being detained in a secure detention facility pending the disposition of the appeal.

(C) After the defendant has been detained in a secure detention facility pursuant to the judge's order issued as provided in paragraph (B), the judge promptly shall order the defendant's transfer to the county jail if:

(1) the judge denies the defendant's motion to transfer;

(2) the judge determines that the defendant is not filing a motion to transfer or is no longer seeking transfer; or

(3) the judge determines that the defendant has reached his or her 18th birthday and a juvenile court has not ordered the defendant to be detained in the secure detention facility in a separate delinquency case.

(D) Except as provided in Rule 597(E)(3), if the defendant's motion for transfer is granted, the judge shall order the defendant to be taken to the juvenile probation office pursuant to Rule 595(G)(2).

Comment

As provided in paragraph (B), a defendant, who may seek transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322, with the consent of the attorney for the Commonwealth, may be transferred to a secure detention facility during the pendency of proceedings under this rule. See also 42 Pa.C.S. § 6327(c.1).

As used in this rule, "secure detention facility" is a facility approved by the Department of Public Welfare to provide secure detention of alleged and adjudicated delinquent children, see 55 Pa. Code § 3800.5, and does not include shelter care.

Nothing in this rule is intended to restrict or enlarge the defendant's eligibility for release on bail or ability to post bail. If the Commonwealth files a notice of appeal of the judge's order transferring the case from criminal proceedings to juvenile proceedings, the judge must review the defendant's bail status and may release the defendant conditioned upon the defendant being detained in a secure detention facility. See Rule 597(E)(3). See also Rule 524(C)(2) that permits a judge to release a defendant on nonmonetary conditions.

As used in this rule, "judge" means judge of the court of common pleas. Neither Philadelphia Municipal Court judges nor magisterial district judges are permitted to order a defendant who may seek or is seeking transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 to be detained in a secure detention facility.

Official Note: Adopted July 31, 2012 effective November 1, 2012.

Committee Explanatory Reports:

Final Report explaining the July 31, 2012 new rule published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT

PART A. Philadelphia Municipal Court Procedures

Rule 1003. Procedure in Non-Summary Municipal Court Cases.

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Comment

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Paragraph (D)(3)(c) requires that the defendant's attorney, or if unrepresented the defendant, receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule [540(B)] 540(C). See also Rules 208(A) and 513(A).

* * * * *

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended August 15, 2005, effective February 1, 2006; amended April 5, 2010, effective April 7, 2010; amended January 27, 2011, effective in 30 days; **Comment revised July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

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Court's Order adopting the April 5, 2010 amendments to paragraph (D)(3)(d) published at 40 Pa.B. 2012 (April 17, 2010).

Court's Order adopting the January 27, 2011 amendments to paragraph (E) concerning hearsay published at 41 Pa.B. 834 (February 12, 2011).

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(B) to Rule 540(C) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

FINAL REPORT¹

New Pa.Rs.Crim.P. 595, 596, 597, and 598; Amendments to Pa.Rs.Crim.P. 113, 119, 540, and 571; and Revision of the Comments to Pa.Rs.Crim.P. 117, 514, 515, 543, 570, 578, and 1003

Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322

On July 31, 2012, effective November 1, 2012, upon the recommendation of the Criminal Procedural Rules Com-

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

mittee, the Supreme Court adopted new Rules of Criminal Procedure 596, 596, 597, and 598, amended Rules of Criminal Procedure 113, 119, 540, and 571, and approved the revision of the Comments to Rules of Criminal Procedure 117, 514, 515, 543, 570, 578, and 1003. These new rules and correlative rule changes establish new procedures for requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

At the same time, the Court adopted the recommendation of the Juvenile Court Procedural Rules Committee for correlative changes to the Rules of Juvenile Court Procedurals. These changes include new Pa.R.J.C.P. 337 (Filing of Petition After Case Has Been Transferred from Criminal Proceedings) and amendments to Pa.Rs.J.C.P. 200 (Commencing Proceedings) and 404 (Prompt Adjudicatory Hearing).

I. Introduction

In June 2009, the Juvenile Court Judges Commission (JCJC) formed a working group of its members to develop best practices in direct file cases² to address issues such as detention of the direct file defendants and the long delays in some cases before it is determined whether a case should be transferred. After the JCJC’s working group issued its report, a Joint *Ad Hoc* Subcommittee was formed to explore the feasibility of incorporating these best practices and other procedures that responded to the issues identified by the working group into the Court’s procedural rules. The *Ad Hoc* Joint Subcommittee’s participants included members and staff from JCJC, the Criminal Procedural Rules Committee, the Juvenile Court Procedural Rules Committee, and the Appellate Court Procedural Rules Committee.

Surveys of the statewide practice in the area of direct file cases revealed that currently there is little uniformity in the statewide local procedures for handling transfer requests, and that many of these cases are handled by individuals who do not have a great deal of experience with the Juvenile Act. In some of these cases, there are inordinate delays in the filing of a transfer motion, in conducting the hearings, and in disposing of the motions. In view of the lack of uniformity, the delay issues, and the JCJC’s suggested best practices, the Joint *Ad Hoc* Subcommittee agreed there is a need for statewide uniform rules that provide detailed procedures governing transfer of proceedings.

From a review of the current local practices, the members noted that direct file cases are instituted by filing a criminal complaint, and thereafter the cases follow the Criminal Rules governing all court cases.³ Ordinarily, the procedures for requesting the transfer of these cases do not occur until after the preliminary hearing or after the arraignment. The Committee agreed that this practice should be incorporated into the proposed rule changes. Accordingly, as explained more fully below in the discussion of the rules, procedurally, the direct file cases would be instituted by the filing of the

complaint or an arrest without a warrant as provided in Pa.R.Crim.P. 502, and proceed according to the Criminal Rules through the preliminary hearing (Pa.R.Crim.P. 542)⁴ and the filing of an information (Pa.R.Crim.P. 560), to the “formal” arraignment (Pa.R.Crim.P. 571) in the same manner as any other court case. The members also agreed that the changes should not prohibit earlier determinations of whether a direct file defendant’s case should be transferred. The members noted, for example, in some judicial districts a determination is made as early as the preliminary hearing when the parties agree at the preliminary hearing that the case should be in Juvenile Court and the attorney for the Commonwealth withdraws the charges and re-files a petition in Juvenile Court.

If a motion for transfer of criminal proceedings to juvenile proceedings is going to be filed, the motion ordinarily would be filed as part of the omnibus pretrial motion as provided in Pa.R.Crim.P. 578. However, the new procedures do not preclude an earlier filing of the motion in the appropriate case. See discussion of new Rule 596 below.

The new procedures vary procedurally from other court cases by requiring the direct file cases to proceed to a mandatory status conference at which the judge will determine whether a motion for transfer has been or will be filed. See discussion of new Rule 595 below. In those cases in which a motion has been filed but is not ready to be heard, the next procedural step would be additional status conferences. These status conferences ensure that a direct file case will continue to move forward by placing the responsibility with the judge to monitor the status of these cases. The Committee understands that the status conferences add to the workload of the judges. However, because these types of cases are relatively infrequent, the members do not believe the requirement will be onerous. Furthermore, by having the judge monitor the cases and set specific timeframes for the filing of the motion, for the status conferences, and for the hearing, the new procedures will promote judicial economy and administrative efficiency.

When the judge determines the motion for transfer is ready to be heard, the judge is required to set the time for the hearing on the motion. See discussion of new Rule 597 below. If the motion is granted, the case is transferred for juvenile proceedings pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act. If the motion is not granted, the case continues to proceed as a court case under the Criminal Rules.

As an additional monitoring mechanism, when the direct file cases are held for court, the rules require that these cases be flagged by the clerk of courts as direct file cases in the docket entries. This notice will alert the participants and court to the nature of the case at the earliest point. See discussion of amendments to Rule 113 below.

In developing this proposal, the Joint *Ad Hoc* Subcommittee also addressed the issue of whether a defendant in a direct file case may be detained pretrial in a secure detention facility rather than the county jail when the defendant is unable to post bail. The members, acknowledging that there is no uniform statewide practice, ultimately agreed that there should be a separate motion procedure for determining the question of the place of pretrial detention. See discussion of new Rule 598 below.

² A “direct file” case is one in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302 so the case is considered a court case and proceeds as any other court case. For purposes of this Recommendation, we will use the term “direct file” when we are referring to these cases.

³ “Court Case” is defined in Rule 103 as a case in which one or more of the offenses charged is a misdemeanor, felony, or murder of the first, second, or third degree.

⁴ In judicial districts that have resumed using the indicting grand jury, in cases in which witness intimidation has occurred, is occurring, or is likely to occur, the attorney for the Commonwealth may have moved to have the case proceed by indicting grand jury instead of the preliminary hearing. See Pa.Rs.Crim.P. 556 through 556.12.

II. Discussion of Rules

RULE 113 (Criminal Case File and Docket Entries)

Rule 113 (Criminal Case File and Docket Entries) requires the clerk of courts to maintain the criminal case file and to maintain a list of docket entries, and requires certain information to be maintained in the list of docket entries. The amendments to Rule 113(C) require the clerk of courts to make a specific notation in the docket entries when the case is a direct file case. Having this information on the docket provides early notice to the judges, court staff, and attorneys that this may be a case in which transfer to juvenile proceedings should be considered.

RULE 119 (Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings)

As explained in the discussion of new Rule 595, the defendant will be required to appear in person for the mandatory status conference. In addition, the defendant is required to appear for the hearing on a motion for transfer under Rule 597. The Committee believes, because the defendants in direct file cases are under 18 years of age, it is essential that these defendants be present in person at the status conference and hearing to ensure they fully comprehend the proceedings.

Rule 119 provides for the use of two-way simultaneous audio-visual communications in many criminal proceedings. The rule specifically prohibits the use of two-way simultaneous audio-visual communications for those proceedings at which a defendant has a right to be physically present. Accordingly, Rule 119 has been amended to include the status conference under Rule 595 and the hearing under Rule 597 as two of the proceedings that are exceptions to conducting the proceeding using two-way simultaneous audio-visual communications.

RULE 540 (Preliminary Arraignment)

During the Committee's discussions about the new procedures, the Committee agreed it is important in a direct file case, when the defendant has been arrested, that the defendant's parents, guardian, or other custodian be informed of the arrest. Although the police may inform the parents, guardian, or other custodian at the time of arrest,⁵ this does not occur in all cases. To ensure that there is notice to defendant's parents, guardian, or other custodian, the Committee determined that the issuing authority should be required at the time of the preliminary arraignment to determine whether defendant's parents, guardian, or other custodian have been notified of the charges. New paragraph (B) sets forth this requirement, and further requires that, if they have not been notified, the issuing authority must notify the parents at the time of the preliminary arraignment. The Committee also agreed to leave the method of notice to the discretion of the issuing authority rather than mandate, for example, a form of notice or that the issuing authority be required to make a notation on the docket transcript.

In considering the requirement that the defendant's parents, guardian, or other custodian be notified, the Committee agreed the notice would not give the defendant's parents, guardian, or other custodian standing in these direct file cases. Rather, the defendant's parents, guardian, or other custodian is being notified solely to alert them to the charges against their child. To make this clear, the Rule 540 Comment has been revised using language similar to the language in the Juvenile Court

Procedural Rule 131 Comment that provides "[n]othing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of a juvenile to have his or her guardian present."

In addition, the Rule 540 Comment includes a reference to new Rules 595, 596, 597, and 598 to alert the bench and bar at this early stage in the proceedings to the special procedures for transfer from criminal proceedings to juvenile proceedings in direct file cases. The Committee is aware that frequently the attorneys handling direct file cases may be experienced criminal law practitioners but are not as knowledgeable about the procedures related to juveniles. Providing for this early reference to the new rules will be an aide to the attorneys, as well as alert the court systems to these direct file cases.

RULE 570 (Pretrial Conference)

As explained more fully in the discussion below about new Rule 595, the new rule requires that no later than 40 days after the arraignment there must be a mandatory status conference in the direct file cases. Although this status conference is similar to the Rule 570 pretrial conference, it is mandatory, rather than discretionary; addresses issues that relate specifically to direct file cases; and may occur before the case is held for court. Because the mandatory status conference is new to the Criminal Rules, a cross-reference to new Rule 595 has been added to the Rule 570 Comment to alert the bench and bar to the new mandatory status conference procedures.

RULE 571 (Arraignment)

After reviewing the procedural flow of a court case from the time of arrest or issuance of a summons, the Committee agreed that, as with other pretrial motions, the arraignment is the point in the proceedings when a direct file defendant formally should be advised of the right to file a motion for transfer from criminal proceedings to juvenile proceedings. Rule 571(C)(3) has been amended by adding a motion requesting transfer from criminal proceedings to juvenile proceedings to the examples of motions that are to be filed after the arraignment. In addition, cross-references to the new rules governing the transfer proceedings have been added to the Rule 571 Comment.

RULE 578 (Omnibus Pretrial Motion for Relief)

Consistent with the decisions made with regard to the procedural framework of the direct file cases, as explained above, the motion for transfer from criminal proceedings to juvenile proceedings should be treated in the same manner as all other pretrial requests for relief that ordinarily are part of the omnibus pretrial motion. To make this clear, the transfer motion has been added to the list of the types of requests that are to be in the omnibus pretrial motion set forth in the Comment to Rule 578.

PROPOSED NEW RULES GOVERNING TRANSFER FROM CRIMINAL TO JUVENILE PROCEEDINGS: IN GENERAL

The published version of the proposal for new procedures governing the transfer of criminal proceedings to juvenile proceedings set forth all the procedures, except the place of detention procedure, in one rule, proposed new Rule 595. In response to several publication responses and concerns raised by several members, the Committee agreed the new procedures would be clearer and easier to understand if the procedures for the

⁵ The Juvenile Act requires that police notify the parents when the defendant, who is a juvenile, is taken into custody. See 42 Pa.C.S. § 6326.

mandatory status conference, the motion, the hearing and disposition, and detention were presented in four separate rules. In addition, because the mandatory status conference is a new concept to the Criminal Rules that will occur whether or not a motion for transfer has been filed, the Committee concluded the new mandatory status conference rule should be the first rule in the new section.

Determining the placement of the new rules providing the procedures for requesting transfer from criminal proceedings to juvenile proceedings was difficult. However, once the Committee determined that these cases would proceed according to the Criminal Rules until after the arraignment, the members agreed the new rules should fall somewhere in the rules after Rule 571 (Arraignment). To make the rules “fit” without renumbering all the rules in Chapter 5 Parts G and H, the Committee is proposing that the new rules governing transfer of proceedings be at the end of Chapter 5 (Pretrial Procedures in Court Cases) as a separate new Part I (Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings).

In discussing what to call the new procedures, the Committee considered using “decertification procedures,” “direct file procedures,” and “procedures governing transfer from criminal court to juvenile court.” After thoroughly vetting all this terminology and recognizing that not all judicial districts have distinct criminal or juvenile courts, the members finally determined that, to more accurately represent the nature of the new procedures, the new procedures should be referred to as “procedures for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322.”

NEW RULE 595 (Mandatory Status Conference)

New Rule 595 sets forth the procedures for the mandatory status conference.⁶ The status conference must be conducted in every case in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with the direct file offenses enumerated in 42 Pa.C.S. § 6322(2)(i), (ii), and (iii). This requirement was added so the judge assigned to the direct file case will be monitoring the case early in the proceedings. Having the parties and judge participate in the mandatory status conference should reduce the delays that have been a problem in the past and should provide for efficient administration of the case. At the same time, the judge will be able to ensure that the direct file defendant’s rights are protected.

The published version of Rule 595 referred to this conference as a “prehearing conference.” However, after considering the publication responses and some members’ suggestions that, because the purpose of conference is more akin to a status conference than it is to a pretrial conference, the procedure should be called “status conference,” this change in terminology was made.

Paragraph (A)(1) sets forth the time for the mandatory status conference. The members agreed the conference must be held in every direct file case, whether or not a transfer motion has been filed. The members also agreed the time for the status conference should be tied to the time of the arraignment and to the filing of the omnibus pretrial motion. Under the Criminal Rules, the omnibus pretrial motion must be filed within 30 days of the arraignment. In the published version of the proposal, the Committee had proposed that the time for conducting the status conference should be no later than 35 days after

arraignment, reasoning that the additional five days provided the courts adequate time for scheduling purposes and for the defendant to file the transfer motion as part of the omnibus pretrial motion. On reconsideration, after reviewing the publication responses and some concerns raised by a few members that 35 days was not sufficient time to schedule the status conference, the time was extended to be no later than 40 days after the arraignment to provide the judges with an additional five days for scheduling purposes. The Committee considered setting the time for the hearing to be as long as 60 days after the arraignment but concluded 40 days was sufficient without unnecessarily delaying the process. Nothing in this rule, however, would prevent the judge from scheduling the status conference earlier, particularly when a transfer motion is filed earlier in the process.

Paragraph (A)(2) addresses the defendant’s presence at the mandatory status conference. The Committee initially considered permitting the defendant to waive his or her presence with the consent of the defendant’s attorney and the judge. Upon further reflection, the members concluded the status conference in the context of a request for transfer from criminal proceedings to juvenile proceedings is a critical stage in the proceedings. In these cases, it is important that the defendant be involved in making the decision whether to file a motion rather than permitting the defendant’s attorney to make the decision for the defendant. In view of these considerations, Rule 595(A)(2) and Rule 119 make the defendant’s presence in person at the status conference mandatory. The defendant’s attorney and the attorney for the Commonwealth also are required to be present at the prehearing conference.

Paragraph (B) sets forth the procedures the judge is to follow at the mandatory status conference. The status conference provides the forum for the judge to determine whether the defendant has filed a motion requesting transfer, is requesting additional time to file the motion, or has decided not to file the motion. The status conference also is the stage in the proceedings from which the remaining proceedings related to the request for transfer will flow. Accordingly, the new paragraphs (B)(1), (B)(2), and (B)(3) enumerate what the judge is to do once the judge ascertains whether a motion has been filed, will be filed, or will not be filed.

If the defendant is requesting additional time and judge agrees, the judge is required to set a date for filing the motion, paragraph (B)(1). The judge has the responsibility to move these cases along in a timely manner based on the information provided by the defendant. Accordingly, the judge is given the discretion to set the time when the motion must be filed.

If the motion for transfer has been filed, the judge must determine if the motion is ready to proceed, paragraph (B)(2). The procedures to follow when a motion has been filed are set forth in new Rule 597. As explained in the discussion of Rule 597, if the parties agree the motion is ready to be heard, the judge is required to set the date for the hearing. If the motion is not ready to be heard, the judge is required set up additional status conferences.

If the defendant indicates he or she is not going to file a motion, the case will continue to proceed as any other criminal case under the Criminal Rules, paragraph (B)(3). During the post-publication discussions of this provision, the Committee considered the Rule 600 implications. The members wanted to make it clear that a direct file case is proceeding under the Criminal Rules unless the case is transferred to juvenile proceedings. The procedures governing direct file cases related to transfer motions do not

⁶ The procedures in new Rule 595 incorporate the provisions that originally were published as Rule 595(B).

take the case outside the Criminal Rules. Accordingly, the published version this paragraph has been modified by adding “continue to” before “proceed” in paragraph (B)(3).

The Rule 595 Comment emphasizes that the status conference in the rule is mandatory and therefore is different from the Rule 570 pretrial conference, and elaborates on the judge’s responsibilities at the mandatory status conference. During the Committee’s discussions of the reasons for having a status conference, the members noted that delays in the direct file proceedings often are caused by the parties not receiving necessary information about the defendant in a timely manner or at all. The members believe that having the judge issue orders for the necessary information will help to reduce the delays, but agreed this did not need to be required in the rule. To emphasize this point, included in the Comment is the suggestion to the parties that they may request that the judge issue an order for the release of records or other materials relevant to the defendant’s motion, for the appointment of experts, for the examination of the defendant, and any other aids necessary to the disposition of the motion. In addition, the provision makes it clear that these requests, if authorized by law, may be made *ex parte*.

During the discussions about the status conference, the role of the juvenile probation office in these proceedings also was discussed. Although the members agreed the rules should not require the juvenile probation office to have a role at this stage in the proceedings, they thought the parties could request that the probation office prepare a report if the defendant has had contact with the juvenile justice system. Accordingly, the suggested list of things the parties may request the judge to order enumerated in the Comment includes “a report from the juvenile probation office.”

The Comment also explains that, at the status conference, the parties may consider other matters related to the hearing, such as the simplification or stipulation of factual issues, the qualification of exhibits, the number of witnesses giving testimony of a cumulative nature, and such other matters that may aid the disposition of the motion. In addition, the parties have the right to object to rulings made by the judge at the status conference, and the judge is required to make a record of the agreements or objections of the parties and of any other rulings made during the status conference. These provisions have been moved from the text of the published version of Rule 595(B)(3), (B)(4), and (B)(5) to the Comment.

Another question raised in the publication responses concerned the judges authorized to handle the direct file cases, in particular whether a magisterial district judge could address transfer requests or place of detention if these issues are raised at the preliminary hearing. The Committee agreed this was not the intention of the rules and added language to the Rule 595 Comment that explains that only common pleas court judges are authorized to handle these transfer cases. Comparable provisions have been added to Rules 597 and 598.

The Comment also includes cross-references to the three other new rules in the new section to alert the members of the bench and bar that they need to look at all four rules when dealing with direct file cases.

NEW RULE 596 (Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings)

This is the new rule governing the motion requesting

transfer.⁷ After considering a number of options with regard to the procedures for requesting transfer, the members concluded that the request should be made in the form of a motion.⁸ The motion must be filed in the same manner as any other motion in a criminal case that is subject to the omnibus pretrial motion procedures, must be filed with the clerk of courts, and a copy of the motion must be served on the attorney for the Commonwealth concurrently with filing.

The published version of the motion procedures proposed that the motion for transfer had to be filed within 30 days of the arraignment. The Committee reconsidered this provision in view of the publication responses suggesting that the published language could be misconstrued as not permitting a motion to be filed at an earlier stage in the proceedings. Because the Committee intended to have the new procedures accommodate current practices that permit early filing of the request for transfer, the published version has been modified to provide that the motion for transfer may be filed at any time after the preliminary hearing, but not later than 30 days after arraignment. These provisions are elaborated in the Comment. The Comment also clarifies that the judicial districts may enact local rules that require a shorter time within which the motion must be filed.⁹

The 30-day time provision for filing the omnibus pretrial motion in the published version also included the exception to the 30-day time period language that is in Rule 579. The Rule 579 provision provides that the omnibus pretrial motion must be filed within 30 days of arraignment “unless opportunity did not exist; the defendant, the defendant’s attorney, or the attorney for the Commonwealth was not aware of the grounds for the motion; or the time for filing has been extended by the judge for cause shown.” During the post-publication review, the members agreed this “unless” clause is unnecessary in the text of the new rule and more appropriately belongs in the Comment.

RULE 597. (Procedures Following the Filing of a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings)

This is the new rule governing the procedures after a motion is filed.¹⁰ Paragraph (A) provides, in cases in which the judge determines the motion is not ready to be heard, that the judge is required to schedule additional status conferences. These additional status conferences provide a mechanism to aid the judge in moving the case along. The judge has the discretion for when to schedule the additional status conferences, but the dates have to be within the timeframe of “no later than every 60 days after the first status conference.” This timeframe permits the judge to schedule the additional status conferences at shorter periods in the appropriate cases. The judge must conduct status conferences until the motion is ready to be heard. At these additional status conferences, the parties are required to advise the judge of the status of all matters pertinent to whether the motion is ready to be heard.

Paragraph (B) sets forth the requirements for the judge to schedule the hearing once the judge determines the

⁷ The procedures in new Rule 596 incorporate the provisions that originally were published as Rule 595(A).

⁸ The Committee agreed to use “motion” instead of “petition” to be consistent with the Criminal Rules. See Rule 575.

⁹ The judicial districts that have implemented local rules providing for a shorter time for filing have been successful in the fair and expeditious disposition of transfer motions utilizing shorter times for filing that include liberal granting of extensions when necessary.

¹⁰ The procedures in new Rule 597 incorporate the provisions that originally were published as Rule 595(C)-(H).

motion for transfer is ready to be heard. Although it is left to the discretion of the judge to determine the actual date for the hearing, the hearing must be held no later than 30 days after the status conference. Notice of the hearing date is to be given to the defendant, defendant's attorney, and the attorney for the Commonwealth. The Committee did not think it necessary to set forth what the hearing procedures should be so the rule is silent in this regard.

Paragraph (C) and paragraph (D) incorporate the provisions from 42 Pa.C.S. § 6322 that require a decision by the judge within 20 days after the hearing, paragraph (C), and require the clerk of courts to enter an order on behalf of the judge denying the motion by operation of law if the judge does not decide the motion within 20 days, paragraph (D).

The issue of whether the judge should be required to make his or her findings in open court was discussed at length. The members noted that 42 Pa.C.S. § 6322(b) merely provides, *inter alia*, "the court shall make findings of fact, including specific references to the evidence, and conclusions of law in support of the transfer order." The members believe that the transfer proceeding is a critical proceeding and the defendant and counsel should be in court when the judge issues his or her decision. Accordingly, new Rule 597(C) requires the judge to announce the decision in open court at the conclusion of the hearing with all the parties present. If the judge delays making the decision, the judge still must announce the decision in open court with all the parties present. Paragraph (C) also requires the judge to enter an order granting or denying the motion and to set forth the findings of fact and conclusions of law orally on the record or in writing. The findings of fact and conclusions of law are important for the record in the event of an appeal.

Paragraph (E) sets forth the procedures when the judge grants the motion. Once the motion is granted, the judge is required to order the transfer of the case from criminal proceedings to juvenile proceedings. Once the transfer is ordered, the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act.

One issue debated at length concerns the treatment of the defendant when a transfer is ordered. The members noted that the transfer proceedings are conducted in criminal court and, frequently, the judges are not as familiar with the proceedings for juveniles, particularly with regard to placement. In view of this, and because the juvenile probation office, as the intake office for juveniles, is in the best position to expeditiously assess the case and determine where the defendant should be placed and what should happen next in the case, new Rule 597(E)(2) requires the judge to order the defendant to be taken forthwith to the juvenile probation office. The Committee included the term "forthwith" to emphasize the importance of promptly transporting the defendant to the juvenile probation office so the juvenile proceedings may be initiated without delay.

The Committee, in proposing this provision, noted that 42 Pa.C.S. § 6322(d) provides:

[w]here review of the transfer order is not sought or where the transfer order is upheld the defendant shall be taken forthwith to the probation officer or to a place of detention designated by the court or released to the custody of his parent, guardian, custodian, or other person legally responsible for him, to be brought before the court at a time to be designated.

Two potential issues about the interplay between Section 6322(d) and Rule 597 were considered. The first issue relates to the provision in Section 6322(d) that "the defendant shall be taken forthwith to the probation officer or to a place of detention designated by the court or released to the custody of his parent . . ." and the provision of Rule 597(E)(2) that requires the judge to "order the defendant to be taken forthwith to the juvenile probation office." The Committee reasoned this new provision in Rule 597(E)(2) is consistent with this statutory provision because the rule provision merely sets the stage for the juvenile probation office to implement the "next step" and that includes the procedures set forth in Section 6322(d).

The second issue, raised following publication of the proposal, concerns the provision of Section 6322(d) "[w]here review of the transfer order is not sought or where the transfer order is upheld . . ." and the provision in Rule 597 (E) that requires the judge to immediately order the transfer of the case when the judge grants the motion. The concern about the interplay between these two provisions is that they are inconsistent because the statute provides for a delay for the taking of an appeal before a case is sent to the probation office and the rule does not provide specifically for a such delay, but rather provides for the immediate transfer of the case and for the defendant to be taken forthwith to the probation office.

After considerable debate about these provisions, the consensus was that the statute does not require any delay but rather recognizes that there would be a stay in the proceedings in the event an appeal is filed. Analogizing the order to transfer proceedings to a ruling suppressing evidence in a criminal case in which the attorney for the Commonwealth has a right to appeal, and assuming the transfer order "substantially handicaps" the prosecution, the case is not delayed, unless and until the attorney for the Commonwealth files the notice of appeal. To clarify this, the Rule 597 Comment has been revised to include a citation to *Commonwealth v. Johnson*, 542 Pa. 568, 669 A.2d 315 (1995), for this principle as it applies to decertification orders. This revision acknowledges the Commonwealth's right to appeal in these cases, without encouraging or discouraging the use of the appeal.

Correlative to the discussions about the interplay between Section 6322(d) and Rule 597 concerns were articulated about the place of detention of the defendant following the granting of the motion for transfer during the 30-day time for appeal and the time during the appeal. Because these defendants are under the age of 18, the impact on them if they are detained in a county jail during the appeal process is profoundly negative. It was suggested that, if the defendant is detained in a secure detention facility pending the outcome of the appeal, the public interests and the defendant's interests are better served because of the access to age-appropriate educational opportunities and clinical assessments. In view of these considerations, Rule 597(E) and Rule 598(B)(3) and the Comments to these rules have been modified to address the placement issue by authorizing the judge to release the defendant on bail pending appeal and during appeal conditioned on being detained in a secure detention facility.

Paragraph (F) addresses the procedures when the judge denies the motion for transfer or the clerk of courts enters an order on behalf of the judge denying the motion by operation of law. In these circumstances, the case will continue to proceed as a court case under the Rules of Criminal Procedure.

Paragraph (G) sets forth the requirement that the clerk of courts serve the order granting or denying the motion on the parties.

The first paragraph of the Comment provides the same suggestion to the parties that is in the Rule 595 Comment to the effect that they may request that the judge issue additional orders for information, examinations, or any other aids necessary to the disposition of the motion, and makes it clear that these requests, if authorized by law, may be made *ex parte*.

The second paragraph of the Comment addresses the issue of whether the juvenile probation officer should be present at the transfer hearing, an issue that was discussed both before and after publication. The Committee reaffirmed its earlier decision that the rule should not require the probation officer to be present since the proceeding is not a juvenile proceeding. However, the members agreed it would be helpful to the bench and bar if the Comment recognized that having the probation officer attend the transfer hearing is the practice in some judicial districts and makes it clear that the rule is not intended to change this practice.

The next three paragraphs include cross-references to the correlative provisions of 42 Pa.C.S. § 6322, and explain the interplay between these provisions and new Rule 597. In addition, the third paragraph references the statutorily established burden of proof in these cases.

The sixth paragraph of the Comment makes it clear that once the judge grants a motion for transfer and has the defendant taken to the juvenile probation office, the criminal court no longer has jurisdiction over the case.

The seventh paragraph of the Comment elaborates on the interplay between Rule 597(E) and 42 Pa.C.S. § 6322(d) discussed above.

The last paragraph sets forth the provision that the defendant's parents, guardian, or other custodian are not given standing in the matter nor do the rule provisions create a right for the defendant to have his guardian present.

NEW RULE 598 (Place of Detention During Procedures for Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322)

This is the new rule governing the procedures concerning place of detention in a direct file case.¹¹ The issue of whether a defendant under the age of 18 and charged with one of the offenses enumerated in 42 Pa.C.S. § 6302(2)(i), (2)(ii), or (2)(iii) may be detained pretrial in a secure detention facility rather than in a county jail when the defendant is unable to make or ineligible for bail was debated at length. After researching this matter, the members concluded the new transfer rules should include provisions for the detention of the direct file defendants in a secure detention facility. The members noted that, although prior to recent statutory amendments to the Juvenile Act,¹² there was no provision for a direct file defendant to be detained in a secure detention facility in the Juvenile Act or elsewhere, some judges have ordered such placement. These judges reasoned, especially when the direct file defendant is very young, that prior to the determination whether to transfer proceedings, the secure detention facilities would be better suited for housing these young defendants. New Rule 598 provides the procedures for a direct file defen-

dant to be detained in a secure detention facility. Paragraph (A) provides the “norm” with regard to pretrial detention—the defendant in a direct file case is to be detained in the county jail unless released on bail.

Paragraph (B) provides the exceptions to the “norm” and permits a defendant who may seek or is seeking transfer and has not been released on bail to file a motion for detention in a secure detention facility. The Committee agreed that a direct file defendant should be eligible to be detained in a secure detention facility both when the defendant may seek transfer or already is seeking transfer. In other words, the defendant may request the change in the place of detention even before he or she has filed a motion requesting transfer of proceedings.

The Committee recognizes that ordinarily the defendant is going to want to seek a change of place of detention, and that any request should be in the form of a motion. The procedures for motions under Rules 575 and 576 would apply. The members also noted that in many of these cases, there may be discussions between the defendant, the attorney for the Commonwealth, and the judge concerning the place of the defendant's detention. However, the process still should be by motion by the defendant.

Paragraph (B)(1) requires the consent of the attorney for the Commonwealth before the judge may grant the motion, although some members argued that the judge should have discretion to place the defendant in secure detention even when the Commonwealth does not consent. This point also was raised in publication comments. The Committee reconsidered this requirement and agreed to maintain this provision as published.

Rule 598(B)(1) and (B)(2) includes limitations of the length of time a direct file defendant may be detained in the secure detention facility. Specifically,

- (1) when the defendant is granted bail, he or she is released from detention, except as provided in paragraph (B)(3);
- (2) if the judge denies the motion for transfer or the judge determines the defendant is not filing a motion for transfer, then the judge must order the defendant transferred to the county jail because the case will proceed as a criminal court case;
- (3) if the defendant turns 18 while in the secure detention facility before the motion is disposed, the judge must order the defendant transferred to the county jail because the defendant is no longer a child, unless the Juvenile Court has issued an order for the defendant's secure detention in a separate delinquency case; and
- (4) if the judge grants the motion for transfer, then the judge must order that the defendant be taken to the probation office so that office will be able to promptly process the case as provided by the Juvenile Court Procedural Rules and the Juvenile Act.

As explained above in the discussion of Rule 597 and the interplay with 42 Pa.C.S. § 6322(d), paragraph (B)(3) addresses the release of the defendant when the attorney for the Commonwealth files a notice of appeal from the judge's order transferring the case. In these cases, the judge has the discretion to release the defendant, but only if the release is conditioned upon the defendant being detained in a secure detention facility pending disposition of the appeal. This provision is further explained in the Comment.

¹¹ The procedures in proposed new Rule 598 incorporate the provisions that originally were published as Rule 596.

¹² See Act 98 of 2010 that amended the Juvenile Act to provide the same procedures for pretrial detention of these direct file defendants.

The Committee agreed to limit the place of detention in the direct file cases to a secure detention facility because the defendants in the direct file cases are charged with serious crimes including murder. The second paragraph of the Comment includes the following definition of “secure detention facility” as the term is used in the new rule:

As used in this rule, “secure detention facility” is a facility approved by the Department of Public Welfare to provide secure detention of alleged and adjudicated delinquent children, see 55 Pa. Code § 3800.5, and does not include shelter care.

The Comment also notes that the provisions of the new rule are not intended to restrict or enlarge the defendant’s opportunity to address bail.

RULES 117, 514, 515, 543, and 1003

The Comments to Rules 117, 514, 515, 543, and 1003, added to the package after publication, contain cross references to Rule 540. These cross-references have been revised to conform with the renumbering of the paragraphs in Rule 540 necessitated by the changes to Rule 540 in this package.

[Pa.B. Doc. No. 12-1589. Filed for public inspection August 17, 2012, 9:00 a.m.]

[234 PA. CODE CH. 9]

Order Amending Rules 907, 908 and 909 and Revising the Comment to Rule 910 of the Rules of Criminal Procedure; No. 415 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 27th day of July, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 4147 (July 24, 2010), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 995), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that

(1) Pennsylvania Rules of Criminal Procedure 907, 908, and 909 are amended; and

(2) the Comment to Pennsylvania Rule of Criminal Procedure 910 is revised, all in the following form.

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

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS**

Rule 907. Disposition Without Hearing.

Except as provided in Rule 909 for death penalty cases,

* * * * *

(4) When the petition is dismissed without a hearing, the judge **promptly** shall issue an order to that effect and shall advise the defendant by certified mail, return receipt requested, of the right to appeal from the final

order disposing of the petition and of the time **limits** within which the appeal must be [**taken**] **filed**. **The order shall be filed and served as provided in Rule 114.**

(5) When the petition is granted without a hearing, the judge promptly shall issue an order granting a specific form of relief, and issue any supplementary orders appropriate to the proper disposition of the case. The order shall be filed and served as provided in Rule 114.

Comment

* * * * *

When the disposition granting a petition reinstates a defendant’s direct appeal rights *nunc pro tunc*, the judge must advise the defendant by certified mail, return receipt requested that a new notice of appeal must be filed within 30 days of the order.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

For the requirements for appointment of counsel on second and subsequent petitions, see Rule 904(B).

Relief may be granted without a hearing under paragraph (2) only after an answer has been filed either voluntarily or pursuant to court order.

A PCRA petition may not be dismissed due to delay in filing except after a hearing on a motion to dismiss. See 42 Pa.C.S. § 9543(b) and Rule 908.

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service’s return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

Official Note: Previous Rule 1507 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; amended January 28, 1983, effective July 1, 1983; rescinded February 1, 1989, effective July 1, 1989, and not replaced. Present Rule 1507 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 907 and amended March 1, 2000, effective April 1, 2001; Comment revised September 18, 2008, effective February 1, 2009; **amended July 27, 2012, effective September 1, 2012.**

Committee Explanatory Reports:

Final Report explaining the August 11, 1997 amendments published with the Court’s Order at 27 Pa.B. 4305 (August 23, 1997).

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

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service’s return receipt electronic option published with the Court’s Order at 38 Pa.B. 5428 (October 4, 2008).

Final Report explaining the July 27, 2012 amendments to paragraph (4) and the addition of paragraph (5) concerning orders and the proposed revision of the Comment concerning appeals *nunc pro tunc* published with the Court’s Order at 42 Pa.B. 5349 (August 18, 2012).

Rule 908. Hearing.

* * * * *

(D) Upon the conclusion of the hearing the judge shall []:

(1) [] determine all material issues raised by the defendant's petition and the Commonwealth's answer, or by the Commonwealth's motion to dismiss, if any [] ; [] .

[(2)] (1) **If the judge dismisses the petition, the judge promptly shall issue an order denying relief [or]. The order shall be filed and served as provided in Rule 114.**

(2) **If the judge grants the petition, the judge promptly shall issue an order granting a specific form of relief, and issue any supplementary orders appropriate to the proper disposition of the case. The order shall be filed and served as provided in Rule 114.**

(E) If the judge disposes of the case in open court **in the presence of the defendant** at the conclusion of the hearing, the judge shall advise the defendant on the record of the right to appeal from the final order disposing of the petition and of the time within which the appeal must be taken. If the case is taken under advisement, **or when the defendant is not present in open court**, the judge, by certified mail, return receipt requested, shall advise the defendant of the right to appeal **from the final order disposing of the petition and of the time limits within which the appeal must be filed.**

Comment

The judge's power, under paragraph (A), to deny a hearing on a specific factual issue is intended to apply when an issue of fact already has been heard fully, but has never been determined. The judge need not rehear such an issue, but would be required to determine it under paragraph (D).

The 1997 amendment to paragraph (A)(1) requires a hearing on every Commonwealth motion to dismiss due to delay in the filing of a PCRA petition. *See* 42 Pa.C.S. § 9543(b) [, as amended in 1995] .

When the disposition reinstates a defendant's direct appeal rights *nunc pro tunc*, the judge, pursuant to paragraph (E), also must advise the defendant that a new notice of appeal must be filed within 30 days of the order reinstating the direct appeal rights.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

See also Rule 909 for procedures in death penalty cases.

Except as provided in Rule 902(E)(2) for first counseled petitions in death penalty cases, no discovery is permitted at any stage of the proceedings, except upon leave of the court with a showing of exceptional circumstances. *See* 42 Pa.C.S. § 9545(d)(2).

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

Official Note: Rule 1508 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 908 and amended March

1, 2000, effective April 1, 2001; Comment revised September 18, 2008, effective February 1, 2009; **amended July 27, 2012, effective September 1, 2012.**

Committee Explanatory Reports:

Final Report explaining the August 11, 1997 amendments published with the Court's Order at 27 Pa.B. 4305 (August 23, 1997).

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

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

Final Report explaining the July 27, 2012 amendments to paragraphs (D) and (E) concerning orders and notice to the defendant, and the proposed revision of the Comment concerning appeals *nunc pro tunc* published with the Court's Order at 42 Pa.B. 5349 (August 18, 2012).

Rule 909. Procedures for Petitions in Death Penalty Cases: Stays of Execution of Sentence; Hearing; Disposition.

* * * * *

(B) Hearing; Disposition

(1) No more than 20 days after the Commonwealth files an answer pursuant to Rule 906(E)(1) or (E)(2), or if no answer is filed as permitted in Rule 906(E)(2), within 20 days after the expiration of the time for answering, the judge shall review the petition, the Commonwealth's answer, if any, and other matters of record relating to the defendant's claim(s), and shall determine whether an evidentiary hearing is required.

(2) If the judge is satisfied from this review that there are no genuine issues concerning any material fact, the defendant is not entitled to post-conviction collateral relief, and no legitimate purpose would be served by any further proceedings,

(a) the judge shall give notice to the parties of the intention to dismiss the petition and shall state in the notice the reasons for the dismissal.

(b) The defendant may respond to the proposed dismissal within 20 days of the date of the notice.

(c) No later than 90 days from the date of the notice, or from the date of the defendant's response, the judge shall **issue an order:**

(i) [**dismiss**] **dismissing** the petition [**and issue an order to that effect**] ;

(ii) [**grant**] **granting** the defendant leave to file an amended petition; or

(iii) [**order**] **ordering** that an evidentiary hearing be held on a date certain.

The order shall be filed and served as provided in Rule 114.

(3) If the judge determines that an evidentiary hearing is required, the judge shall enter an order setting a date certain for the hearing, which shall not be scheduled for fewer than 10 days or more than 45 days from the date of the order. The judge may, for good cause shown, grant

leave to continue the hearing. No more than 90 days after the conclusion of the evidentiary hearing, the judge shall dispose of the petition.

* * * * *

Comment

Paragraph (A)(1) was added in 1999 to provide the avenue by which a defendant in a death penalty case may request a stay of execution. Failure to include a request for a stay in the petition for post-conviction collateral relief may not be construed as a waiver, and the defendant may file a separate request for the stay. In cases involving second or subsequent petitions when an application for a stay is filed separately from the PCRA petition, *Commonwealth v. Morris*, 565 Pa. 1, 33-34, 771 A.2d 721, 740-741 (2001), provides that the separate stay application “must set forth: a statement of jurisdiction; if necessary, a statement that a petition is currently pending before the court; and a statement showing a likelihood of prevailing on the merits.”

* * * * *

When the disposition reinstates a defendant’s direct appeal rights *nunc pro tunc*, the judge must advise the defendant either in person or by certified mail, return receipt requested that a new notice of appeal must be filed within 30 days of the order.

The clerk of courts must comply with the notice and docketing requirements of Rule 114 with regard to any orders entered pursuant to this rule.

Official Note: Previous Rule 1509 adopted February 1, 1989, effective July 1, 1989; renumbered Rule 1510 August 11, 1997, effective immediately. Present Rule 1509 adopted August 11, 1997, effective immediately; amended July 23, 1999, effective September 1, 1999; renumbered Rule 909 and amended March 1, 2000, effective April 1, 2001; amended February 12, 2002, effective July 1, 2002[, 32 Pa.B. 1173]; amended October 7, 2005, effective February 1, 2006; **amended July 27, 2012, effective September 1, 2012.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 27, 2012 amendments to paragraph (2)(c) concerning orders and the revision of the Comment concerning appeals *nunc pro tunc* published with the Court’s Order at 42 Pa.B. 5349 (August 18, 2012).

Rule 910. Appeal.

An order granting, denying, dismissing, or otherwise finally disposing of a petition for post-conviction collateral relief shall constitute a final order for purposes of appeal.

Comment

Disposition without a hearing under Rule 907(A) and (B), or under Rule 909(C)(3)(a), constitutes a final order under this rule. A partial disposition under Rule 907(C) is not a final order until the judge has fully disposed of all claims.

When the disposition reinstates a defendant’s direct appeal rights *nunc pro tunc*, a new notice of appeal must be filed within 30 days of the order.

Official Note: Previously Rule 1509, adopted February 1, 1989, effective July 1, 1989; renumbered Rule 1510 and amended August 11, 1997, effective immediately; renumbered Rule 910 and Comment revised March 1, 2000,

effective April 1, 2001; **Comment revised July 27, 2012, effective September 1, 2012.**

Committee Explanatory Reports:

Final Report explaining the August 11, 1997 amendments published with the Court’s Order at 27 Pa.B. 4305 (August 23, 1997).

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

Final Report explaining the July 27, 2012 Comment revision concerning appeal *nunc pro tunc* published with the Court’s Order at 42 Pa.B. 5349 (August 18, 2012).

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 907, 908, and 909; and revision of the Comment to Pa.R.Crim.P. 910

Time to File Appeal *Nunc Pro Tunc*

On July 27, 2012, effective September 1, 2012, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court amended Rules of Criminal Procedure 907, 908, and 909 and approved the revision of the Comment to Pennsylvania Rule of Criminal Procedure 910.

I. Introduction

The Appellate Court Procedural Rules Committee, during discussions concerning appellate procedures in general, noted from case law and anecdotal information from its members that there is confusion about the procedures for proceeding with a direct appeal *nunc pro tunc*. Specifically, some defendants do not understand that they must file a new notice of appeal and that the time for filing is within 30 days of the order reinstating the direct appeal right. The Appellate Court Procedural Rules Committee asked the Criminal Procedural Rules Committee to consider clarifying this issue in the Criminal Rules when the reinstatement of appellate rights occurs in procedures under the Post Conviction Relief Act (PCRA).

The Committee reviewed the rules in Chapter 9 (Post-Conviction Collateral Relief Proceedings), noting that Rules 907, 908, and 909 require the judge to advise the defendant of his or her appeal rights following the disposition of the PCRA petition. The members initially thought the rules already provide adequate notice even for the reinstated appeal case following the granting of a PCRA petition. After further consideration, because there is confusion in practice, the members agreed it would be helpful if the rules included a clarification in this regard. However, because this clarification would address how to handle a particular type of case—appeals *nunc pro tunc*—that already is covered generally in the rule requirements that the judge advise the defendant of his or her right to appeal, the clarification should be in the Comments to the rules. Accordingly, the Comments to Rules 907, 908, and 909 have been revised to emphasize that, when appellate rights have been reinstated, the PCRA judge must advise the defendant that a new notice of appeal is required to be filed within 30 days of the order reinstating the direct appeal rights *nunc pro tunc*. In addition, because Rule 910 addresses appeals following a PCRA disposition, a comparable provision has been added to the Rule 910 Comment.

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

During the Committee’s examination of Rules 907, 908, and 909, several members opined that the provisions concerning the issuing of orders following the disposition of a petition are incomplete because the rules do not explicitly require an order when the petition is granted nor do the rules require that the orders be filed. The Committee agreed the rules should be amended to clarify the procedures governing the issuing and filing of orders in PCRA cases to ensure there is no confusion about these procedures.

II. Discussion of Rule Changes

Rule 907

Rule 907 sets forth the procedures for the disposition of a PCRA petition without a hearing. Paragraph (4) requires a judge to issue an order when the petition is dismissed. The paragraph has been amended to include the requirement that the judge act promptly and that the order be filed and served as provided in Rule 114. A new paragraph (5) sets forth the procedures when a petition is granted. This new paragraph conforms with the provisions in Rule 908(D)(2) with regard to issuing supplementary orders appropriate to the disposition of the cases.

The Comment includes the new language emphasizing the judge’s responsibility to advise the defendant to file a new notice of appeal when the disposition is the reinstatement of the defendant’s appellate rights and that the notice of appeal must be filed within 30 days of the order reinstating the appellate rights. Similar language is included in the Comments to Rules 908 and 909.

In addition, an explanatory paragraph is added to the Comment concerning the obligation of the clerk of courts to comply with the requirements in Rule 114 comparable to the paragraph in the Rule 909 Comment.

Rule 908

Rule 908 sets forth the procedures for the hearing on a PCRA petition. Paragraph (D) addresses what is to occur at the conclusion of the hearing. Paragraph (D) is restructured and amended to enumerate more clearly the judge’s responsibilities at the conclusion of the hearing. Current paragraph (D)(1) is moved into the introductory section of paragraph (D). The introductory section now reads:

Upon the conclusion of the hearing, the judge shall determine all material issues raised by the defendant’s petition and the Commonwealth’s answer, or by the Commonwealth’s motion to dismiss, if any.

Current paragraph (D)(2) is reorganized into two subparagraphs. New paragraph (D)(1) provides the procedures when the judge dismisses the petition and new paragraph (D)(2) provides the procedures when the judge grants the petition. In both situations, the judge is required to act promptly and the order must be filed and served as provided in Rule 114.

Paragraph (E) permits the judge to announce the decision in open court or to take the matter under advisement. The amendments emphasize the difference in the method of providing notice to the defendant of the appellate rights (1) when the decision is announced in open court with the defendant present and (2) when the defendant is not present, or when the matter is taken under advisement.

Rule 909

Rule 909 governs procedures specifically related to death penalty cases. Paragraph (B)(2)(c) sets forth the actions the judge must take following giving notice of an intention to dismiss the petition. The requirement that

the judge’s order be filed and served as provided in Rule 114 is added to paragraph (B)(2)(c).

Rule 910

Rule 910 provides that the orders under the PCRA rules granting, denying, dismissing, or otherwise finally disposing of the PCRA petition are final orders for purposes of appeal. The only change to Rule 910 is the addition to the Comment of the provision clarifying that when the disposition is the reinstatement of the defendant’s appellate rights, the new notice of appeal must be filed within 30 days of the order.

[Pa.B. Doc. No. 12-1590. Filed for public inspection August 17, 2012, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 2, 3 AND 4]

Order Amending Rules 200 and 404 and Adopting New Rule 337 of the Rules of Juvenile Court Procedure; No. 574 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 31st day of July, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 4646 (August 14, 2010), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 997, No. 2, August 20, 2010), and on the Supreme Court’s web-page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 200 and 404 and adoption of new Rule 337 of the Rules of Juvenile Court Procedure are approved in the following form.

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

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART A. COMMENCING PROCEEDINGS

Rule 200. Commencing Proceedings.

Juvenile delinquency proceedings within a judicial district shall be commenced by:

* * * * *

4) transfer of a case from a criminal proceeding pursuant to **Pa.R.Crim.P. 597** and 42 Pa.C.S. § 6322;

* * * * *

Comment

* * * * *

Under paragraph (4), when a case is transferred from a criminal proceeding pursuant to 42 Pa.C.S. § 6322 to juvenile court, the entire case file is to be transferred. The case file is governed by the disclosure requirements of Rule 160. **See Rule 337 for the filing of petition after case has been transferred from a criminal proceeding. See Rule 404 for prompt adjudicatory hearing.**

* * * * *

Official Note: Rule 200 adopted April 1, 2005, effective October 1, 2005. Amended March 23, 2007, effective August 1, 2007. Amended May 12, 2008, effective immediately. Amended January 23, 2009, effective March 1, 2009. **Amended July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 200 published with the Court's Order at 42 Pa.B. 5350 (August 18, 2012).

**CHAPTER 3. PRE-ADJUDICATORY PROCEDURES
PART C. PETITION**

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 337. Filing of Petition after Case has been Transferred from Criminal Proceedings.

A. *Commencement of proceedings.* Pursuant to Rule 200(4), the transfer of a case from a criminal proceeding pursuant to Pa.R.Crim.P. 597 and 42 Pa.C.S. § 6322 commences juvenile court action.

B. *Filing of the petition.* When a juvenile is transferred from a criminal proceeding:

- 1) a new petition shall be filed immediately; or
- 2) the criminal complaint shall be converted into a petition immediately pursuant to paragraph (C).

C. *Conversion of criminal complaint.* The criminal complaint shall be converted into a petition when supplemented with the following information and filed with the clerk of courts pursuant to Rule 330(B):

- 1) the juvenile's date of birth;
- 2) the names and ages of any conspirators, if known;
- 3) the name and address of the juvenile's guardian, or if unknown, the name and address of the nearest adult relative;
- 4) whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1)(i) for limited public information; and
- 5) the transfer order, including, a statement which provides:

a) it is in the best interest of the juvenile and the public that the proceedings be brought in juvenile court; and

b) the juvenile is amenable to treatment, supervision, or rehabilitation as a juvenile.

Comment

When a judge orders the transfer of a juvenile from a criminal proceeding to a juvenile proceeding, the transfer order commences the juvenile delinquency proceeding. *See* Rule 200(4).

When a juvenile is transferred from a criminal proceeding to a juvenile proceeding, a new petition may be filed but is not necessary if the criminal complaint is converted into a petition when supplemented with the information

as provided in paragraph (C). The petition is to be filed with the clerk of courts and the case is to proceed as any other juvenile case following the Rules of Juvenile Court Procedure.

If the juvenile is detained, an adjudicatory hearing is to be held within ten days of the filing of the petition. *See also* Rule 404.

Official Note: Rule 337 adopted July 31, 2012, effective November 1, 2012.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 337 published with the Court's Order at 42 Pa.B. 5350 (August 18, 2012).

CHAPTER 4. ADJUDICATORY HEARING

Rule 404. Prompt Adjudicatory Hearing.

A. *Detained juvenile.* If the juvenile is detained, an adjudicatory hearing shall be held within ten days of the filing of the petition. If the adjudicatory hearing is not held within ten days, the juvenile shall be released unless the exceptions of Rule 240(D) apply.

B. *Non-detained juvenile.* If the juvenile is not detained, the adjudicatory hearing shall be held within a reasonable time.

C. Juveniles transferred from criminal proceedings. Notwithstanding the provisions of paragraphs (A) and (B), if a petition was filed pursuant to Rule 337, an adjudicatory hearing shall be held within ten days of the filing of the petition.

Official Note: Rule 404 adopted April 1, 2005, effective October 1, 2005. **Amended July 31, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 404 published with the Court's Order at 42 Pa.B. 5350 (August 18, 2012).

EXPLANATORY REPORT

July 2012

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 200 and 404 and new Rule 337 with this Recommendation. The changes are effective November 1, 2012.

Background

Committee members from the Appellate Court, Criminal, and Juvenile Court Procedural Rules Committees were asked to participate in a Joint *Ad Hoc* Subcommittee with the Juvenile Court Judges' Commission to develop best practices for transferring "direct file" cases from criminal proceedings to juvenile proceedings.

The purpose of the Joint *Ad Hoc* Committee was to make recommendations and develop procedures to smooth the transition of cases from criminal proceedings to juvenile proceedings within the procedural rules.

The majority of the recommendations affect the Rules of Criminal Procedure because procedures for these cases begin in criminal court. *See* adoption of new Pa.Rs.Crim.P. 595, 596, 597, and 598, and modifications to Pa.Rs.Crim.P. 113, 117, 119, 514, 515, 540, 543, 570, 571, 578, and 1003.

RULE 200—Commencing Proceedings

The citation to the new Pa.R.Crim.P. 597 was placed in paragraph (4) when transferring a case from a criminal proceeding to juvenile proceedings.

In the Comment, the citation for new Pa.R.J.C.P. 337 was referenced, in addition to, Rule 404 for a prompt adjudicatory hearing.

RULE 337—Filing of Petition after Case has been Transferred from Criminal Proceedings

Rather than require a new petition to be filed in every transfer case, this new rule was added to allow the criminal complaint to be converted into the petition when supplemented with the information as mandated by paragraph (C). The requirements of this paragraph are the items that are required in the petition, but which are not required in the criminal complaint. See Pa.R.Crim.P. 504 and Pa.R.J.C.P. 330.

RULE 404—Prompt Adjudicatory Hearing

This rule addition requires that a hearing shall be conducted within ten days of the filing of a petition when a juvenile was transferred from criminal proceedings to juvenile proceedings. See paragraph (C).

[Pa.B. Doc. No. 12-1591. Filed for public inspection August 17, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Kevin H. Main having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated September 26, 2011, the Supreme Court of Pennsylvania issued an Order dated August 1, 2012, suspending Kevin H. Main from the practice of law in this Commonwealth for a period of 3 months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 12-1592. Filed for public inspection August 17, 2012, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Toan Quy Thai having been indefinitely suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts and the Department of Homeland Security by Order of the Board of Immigration Appeals dated February 9, 2011, the Supreme Court of Pennsylvania issued an Order dated August 1, 2012, suspending Toan Quy Thai from the practice of law in this Commonwealth consistent with the Order of the Board of Immigration Appeals. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 12-1593. Filed for public inspection August 17, 2012, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Harry Tun having been suspended from the practice of law in the District of Columbia for a period of 1 year by Order of the District of Columbia Court of Appeals decided August 18, 2011, the Supreme Court of Pennsylvania issued an Order on August 1, 2012, suspending Harry Tun from the practice of law in this Commonwealth for a period of 1 year, to take effect on August 31, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 12-1594. Filed for public inspection August 17, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

Pharmacy Internship

The State Board of Pharmacy (Board) proposes to amend § 27.26 (relating to pharmacy internship) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

Statutory Authority

The proposed rulemaking is authorized under sections 3(c) and 6(k)(9) of the Pharmacy Act (act) (63 P. S. §§ 390-3(c) and 390-6(k)(9)).

Background and Need for the Proposed Rulemaking

Section 3(c) of the act requires that “to insure proficiency in the practical aspects of pharmacy, the board shall, by regulation, prescribe internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.” Section 27.26 sets forth standards for the pharmacy internship. In addition to graduation from an Accreditation Council for Pharmacy Education (ACPE) accredited pharmacy degree program and successful completion of the licensure examination, completion of an internship prepares the applicant to function competently and effectively upon licensure. The current trend in pharmacy education is for greater participation by students in an academic internship as part of the educational process. This proposed rulemaking intends to permit a pharmacy intern to complete more of the internship requirements through academic internships or nontraditional internships. Additionally, this proposed rulemaking intends to better ensure that only those aspiring pharmacists who continue the path to licensure will be permitted to continue to work as pharmacy interns.

Description of the Proposed Amendments

The proposed rulemaking would amend § 27.26(a) to provide that the purpose of the internship is to provide the intern with experience that would enable the intern to begin “functioning competently and effectively upon licensure” rather than simply “functioning competently under the act and this chapter.”

In addition to education in an ACPE-accredited pharmacy degree program, a pharmacy internship is a tremendously important phase of pharmacist training. An intern registration is valid for 6 years. However, if a pharmacy student chooses to permanently cease enrollment in a pharmacy program, the student is no longer progressing towards ultimate licensure as a pharmacist and should not be permitted to continue working as a pharmacy intern. The proposed rulemaking would amend § 27.26(c) to provide that a pharmacy intern registration will automatically become invalid if the intern permanently ceases enrollment in an accredited pharmacy degree program and to require the former intern to immediately return to the Board the pharmacy intern registration and preceptor approval documents.

The proposed rulemaking also would amend § 27.26(b)(2) to clarify not only that an applicant shall be enrolled or accepted into an ACPE-accredited pharmacy degree program, but also to expand the pre-pharmacy educational path by which an applicant may become so enrolled or accepted. So long as an applicant is enrolled or accepted as a first professional year (P1) student in an ACPE-accredited pharmacy degree program, the applicant is not required to have completed the 2 years of pre-pharmacy education at an ACPE-accredited school or college of pharmacy.

Section 27.26(d)(1) requires that a pharmacy intern serve an internship of at least 1,500 hours. The proposed rulemaking would amend § 27.26(d)(3) to decrease the minimum portion of that time that shall be served in a pharmacy from 750 to 500 hours. Correspondingly, the proposed rulemaking would amend § 27.26(d)(4) to increase the maximum portion of that time that may be served in an academic internship from 750 to 1,000 hours.

Section 27.26(e) limits internship credit to activities related to the practice of pharmacy and provides examples of those activities. Because a pharmacist may take and fill a prescription by means of an oral order, telephone or otherwise, the proposed rulemaking would add to those examples of activities related to the practice of pharmacy “taking oral orders for prescriptions by telephone or otherwise.”

The proposed rulemaking would add a subsection to allow for an internship not served in a pharmacy or sponsored or approved by an accredited pharmacy degree program. As examples of a nontraditional internship, the Board has previously been asked to consider an intern serving with a preceptor pharmacist without being in a licensed pharmacy and also at a pharmaceutical company participating in a research project. Nontraditional internships would have to be approved by the Board in advance. As a nontraditional internship by definition is not served in a pharmacy, it may not be used to satisfy the pharmacy hours requirement of § 27.26(d)(3). To permit the Board adequate time to review the proposed internship, the request shall be submitted at least 90 days before beginning the internship.

Finally, because the Board does not specifically approve a pharmacy in which a pharmacy intern serves an internship, the proposed rulemaking would amend § 27.26(g) and (h)(3) to refer to the pharmacy that is “utilized” for intern training, rather than a pharmacy that is “approved” for intern training.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking does not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Kerry E. Maloney, Board Counsel, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, st-pharmacy@state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5424 (pharmacy internship) when submitting comments.

RICHARD R. SMIGA, RPh,
Chairperson

Fiscal Note: 16A-5424. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY PHARMACISTS

§ 27.26. Pharmacy internship.

(a) Pharmacy internship means the supervised practical experience required for licensure as a registered pharmacist. The purpose of the pharmacy internship program is to provide a registered intern with the knowledge and practical experience necessary for functioning competently [**under the act and this chapter**] and effectively upon licensure.

(b) [**A certificate of registration**] **Registration** as a pharmacy intern will be available to an individual of good moral character who has completed at least 2 years of [**pharmacy college or an accredited program leading to transfer into the third year of a pharmacy college in which the individual is enrolled or accepted**] college and is enrolled or accepted as a **student of pharmacy in an ACPE-accredited pharmacy degree program**. A person desiring to register as a pharmacy intern shall do the following:

* * * * *

(2) Forward to the Board [**a letter or transcript certifying**] **acceptable documentation verifying** that the applicant has successfully completed **at least 2 years of [pharmacy college or an accredited program leading to transfer into the third year of a pharmacy college in which the applicant is enrolled or**

accepted] college and is enrolled or accepted as a student of pharmacy in an ACPE-accredited pharmacy degree program. Acceptable documentation includes a document bearing the school's seal received by the Board directly from the dean or registrar of the ACPE-accredited pharmacy degree program which includes the pharmacy student's name, address, Social Security number and a statement indicating that the student has successfully completed at least 2 years of college and is enrolled or accepted as a student of pharmacy in, or has graduated from, the ACPE-accredited pharmacy degree program.

(c) The Board will register an applicant after it receives a completed application and other items in subsection (b). A pharmacy intern [**certificate**] **registration** is valid for 6 years from the date of issue exclusive of time spent in the military. **A pharmacy intern registration will automatically become invalid if the pharmacy intern permanently ceases enrollment in an ACPE-accredited pharmacy degree program prior to graduation. A pharmacy intern whose registration becomes invalid under this subsection shall immediately return to the Board the pharmacy intern registration and preceptor approval documents.**

(d) The following applies to internship credit:

* * * * *

(3) An intern shall serve at least [**750**] **500** of the 1,500 hours in a pharmacy.

(4) An intern may earn up to [**750**] **1,000** of the 1,500 hours in an internship program sponsored or approved by [**the pharmacy college subject to the following conditions:**] an ACPE-accredited pharmacy degree program.

[(i) The Board will determine the maximum number of hours available for each internship program sponsored or approved by a pharmacy college.

(ii) The Board will grant internship credit to an individual in an internship program sponsored or approved by a pharmacy college only if the following applies:

(A) The internship program is full-time.

(B) There is no concurrent academic courseload.

(C) The individual achieves a passing grade in the program.

(iii) A pharmacy college which desires to sponsor or approve an internship program shall request approval from the Board.

(iv) The Board will monitor internship programs which are sponsored or approved by a pharmacy college.]

* * * * *

(6) The Board will not grant internship credit for hours which an individual served in a pharmacy if the supervising pharmacist was not registered as a preceptor. An exception to the requirement that the supervising pharmacist register as a preceptor will be made for internship hours acquired in an internship program sponsored or approved by [**a pharmacy college**] an ACPE-accredited pharmacy degree program.

STATE BOARD OF PSYCHOLOGY

[49 PA. CODE CH. 41]

Code of Ethics

(e) The Board will grant internship credit only for activities related to the practice of pharmacy. The following are examples of these activities: scrutinizing prescriptions or drug orders, **taking oral orders for prescriptions by telephone or otherwise**, compounding medications and filling prescriptions. The Board will not grant internship credit for activities which are not related to the practice of pharmacy. [**The following are examples of these activities: retail sales unrelated to pharmacy items, shelving or clerical functions unrelated to pharmacy.**]

(f) **An intern who wishes to receive credit for internship experience that is not in a pharmacy or sponsored or approved by an APCE-accredited pharmacy degree program shall apply to the Board for approval before beginning an internship experience. Upon receipt of the application, the Board will review and determine how much, if any, credit will be given. Requests for approval shall be submitted at least 90 days before the internship experience begins. Credit given for a nontraditional internship may not be used to satisfy the requirement of subsection (d)(3) pertaining to the minimum amount of time the internship shall be served in a pharmacy.**

(g) A person may not be eligible to become a candidate for registration to practice pharmacy unless the person receives instruction in practical pharmacy and pharmaceutical technique from an instructor, professor[,] or faculty member who is a registered pharmacist or from a faculty member who is a registered pharmacist at [**a pharmacy college**] **an ACPE-accredited pharmacy degree program.**

[(g)] (h) The following requirements are applicable to a pharmacy [**approved**] **utilized** for intern training:

* * * * *

[(h)] (i) The requirements for registration as a pharmacist preceptor are as follows:

* * * * *

(3) An applicant shall be working on a full-time basis in a pharmacy [**approved**] **utilized** for intern training.

* * * * *

[(i)] (j) Credit shall be granted for practical experience gained in pharmacies outside this Commonwealth upon presentation of evidence satisfactory to the Board to indicate that the experience gained is substantially equivalent to that required by this chapter.

[(j)] (k) The pharmacy internship may not be deemed satisfactorily completed until the intern has filed affidavits with the Board certifying that the intern has obtained a total of 1,500 hours of practical experience since registration as a pharmacy intern.

[(k)] (l) When a candidate receives his first certificate and identification card to practice as a pharmacist, his certificate as an intern terminates.

[Pa.B. Doc. No. 12-1595. Filed for public inspection August 17, 2012, 9:00 a.m.]

The State Board of Psychology (Board) proposes to amend §§ 41.1, 41.57 and 41.61 (relating to definitions; professional records; and Code of Ethics) and add § 41.62 (relating to compliance with APA standards and guidelines) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The amendments are proposed under the authority of section 3.2(2) of the Professional Psychologists Practice Act (act) (63 P. S. § 1203.2(2)).

Purpose and Background

This proposed rulemaking has three purposes: to update and simplify the Code of Ethics (Code); to add a section addressing compliance with the American Psychological Association’s (APA) standards and guidelines; and to amend the recordkeeping requirements to include disposition of records implicated by other laws and those specifically applicable to minors.

As part of the review of its regulations, the Board determined that to ensure maximum compliance with the Code, it should be redrafted in mandatory regulatory language. Additionally, the Board determined that because it does not license psychologists by specialty, the Code should not refer to specialty areas but rather apply to all psychologists. Finally, the Board determined that certain provisions are outdated and others need to be reorganized. The Board reviewed the APA’s Ethical Principles of Psychologists and Code of Conduct (APA Code) and the Association of State and Provincial Psychology Boards’ Model Code of Conduct (ASPPB Model Code) in this process.

Description of Proposed Amendments

§ 41.1—Definitions

The Board proposes to delete the definition for “client,” amend the definition for “client/patient” and add definitions for “approved treatment program provider,” “confidential information” and “multiple relationship.” Currently, § 41.1 contains a definition for both “client” and “client/patient.” Not only is the definition of “client” redundant, but because client and patient are used interchangeably in the practice of psychology, the Board is proposing to replace “client” with “client/patient” through-out this proposed rulemaking.

“Client/patient” is defined as the person, system, organization, group or family for whom a psychologist provides psychological services. This definition clarifies that sometimes the person speaking to the psychologist is not actually the patient. Rather, the client/patient may be a court, an employer or a parent. Under the proposed definition, when a person has a legal guardian, as in the case of minors and legally incompetent adults, the legal guardian is the client/patient except for issues directly affecting the physical or emotional safety of the individual. The Board proposes to amend this definition to include two additional instances when persons with legal

guardians remain the client/patient. Proposed subparagraph (ii) addresses the therapeutic contract, permissible under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Pub. L. 104-191, 110 Stat. 1936), in which the legal guardian agrees prior to the provision of psychological services that the minor/legally incapacitated adult remains the client/patient. This scenario frequently occurs when a teenager is seeking psychological services and the parents agree that conversations between the psychologist and the teenager will remain confidential between the psychologist and the teenager. Another scenario occurs when an inmate or criminal parolee is ordered to receive psychological treatment. The court, rather than the inmate/parolee is the client/patient, but often the court agrees in writing that conversations between the psychologist and the inmate/parolee will remain confidential between the psychologist and the inmate/parolee. Proposed subparagraph (iii) addresses situations when a statute or regulation specifically requires that conversations between the psychologist and the minor/legally incapacitated adult remain confidential, such as 23 Pa.C.S. § 6383(b)(2) (relating to education and training), or specific drug and alcohol laws.

Finally, the Board proposes adding definitions for new terms used in § 41.61. Specifically, the Board proposes adding definitions for “approved treatment provider,” “confidential information” and “multiple relationship,” formerly referred to as dual relationships. The proposed definition of “approved treatment provider” tracks the standards required for providers by the Bureau of Professional and Occupational Affairs’ Professional Health Monitoring Program. The definition of “confidential information” clarifies that written, rather than verbal, consent is required for the disclosure of the confidential information. The inclusion of immediate family members within the definition of “multiple relationship” parallels the language in § 41.83 (relating to sexual intimacies with a former client/patient, or an immediate family member of a former client/patient).

§ 41.57—Professional records

The Board proposes to amend subsection (c) to clarify that psychologists may release records to someone other than the client/patient with the client/patient’s written authorization. At times, after a client/patient dies, the family seeks a copy of the client/patient’s treatment records. Unless the client/patient or the client/patient’s legal guardian signs a release prior to the client/patient’s death, the psychologist is not permitted to release the records. Proposed § 41.61(e) would also clarify when these records may be released.

Current subsection (d) requires psychologists to maintain their professional records for 5 years. The Board proposes to amend this subsection to require psychologists to maintain records for minors for the greater of 5 years or 2 years beyond the age of majority.

§ 41.61—Code of Ethics

The Board is proposing to completely rewrite the Code to move away from the current structure and language, which is often written in passive voice and is more aspirational in tone. The proposed language uses mandatory regulatory language to ensure maximum compliance with the Code. For this reason, with the exception of the introductory language regarding the scope and purpose of the Code, the existing language of the Code is proposed to be deleted and replaced with the following new subsections.

In subsection (a), the current introductory language pertaining to the statutory authority, purpose and scope of the Code is retained.

Proposed subsection (b)(1) tracks the requirement in Principle 2(a) of the Code that psychologists limit their practice and supervision to areas in which they are competent as a result of their education, training and experience. Proposed subsection (b)(2) tracks the requirement in Principle 2(a) and (f) of the Code that psychologists maintain current competency through continuing education, consultation and other procedures, including supervision. Proposed subsection (b)(3) requires psychologists to represent their areas of competence in accordance with proposed subsection (f)(1).

Proposed subsection (b)(4)—(7) is an addition to the Code. Proposed subsection (b)(4) addresses services and techniques that are new to the profession or new to the licensee. Before new services or techniques are utilized, proposed subsection (b)(4) requires psychologists to first obtain training, education and, if warranted, supervision for the new services or techniques and then, prior to applying the new services or techniques, to inform clients/patients about their nature and risks so that the clients/patients can make informed decisions whether to consent to use of the services/techniques. This proposed paragraph is consistent with Principle 2.01(c) and (e) of the APA Code and Section III(A)(4) of the ASPPB Model Code.

Proposed subsection (b)(5) delineates the Board’s longstanding position that psychologists are prohibited from rendering formal psychological opinions about persons whom they have not had direct professional contact or reviewed psychological records. A typical scenario when an opinion is required is in custody determinations wherein psychologists are asked to evaluate the fitness of parents. This prohibition is based upon the Board’s view that without direct professional contact or, at the least, review of psychological records, psychologists do not possess sufficient information to render opinions. It is consistent with Section III(A)(6) of the ASPPB Model Code but more stringent than Principle 9.01(c) of the APA Code, which also permits psychologists to offer opinions based upon limited information with appropriate disclaimers. Proposed subsection (b)(5), however, does not prohibit psychologists from discussing cases at peer review groups, as those discussions center around practice issues generally and do not rise to the level of a formal psychological opinion. Similarly, this paragraph does not prohibit psychologist-supervisors from discussing specific cases with their supervisees, as the psychologist-supervisors are directly responsible for the psychological services provided by their supervisees and have full access to the client/patient’s psychological records.

Proposed subsection (b)(6) requires psychologists to make treatment arrangements for their clients/patients during periods of foreseen absences, such as vacations and leave of absences. These arrangements, which are consistent with Principles 2.01(c) and 3.12 of the APA Code and Section III(A)(8) of the ASPPB Model Code, may include setting up treatment sessions with substitute providers, offering information about alternative services or providing telephone numbers for alternative providers. Proposed subsection (b)(7) prohibits psychologists from undertaking or continuing practice when they become impaired, tracking the requirement in section 8(a)(8) of the act (63 P.S. § 1208(a)(8)), and requires that they terminate the professional relationship as outlined in subsection (m).

Proposed subsection (c) addresses psychologists' responsibilities when they have multiple relationships with clients/patients. Multiple relationships, formerly referred to in the profession as dual relationships, occur when a psychologist serves in a professional capacity with a client/patient and, at the same time, has another relationship with that client/patient, ranging from being a neighbor to being the client/patient's child's sports coach to having a sexual relationship with the client/patient or an immediate family member of the client/patient. As is the case under the current Code, multiple relationships are not per se prohibited. However, as proposed subsection (c)(1) delineates, before entering into a multiple relationship, psychologists are required to evaluate the potential for exploitation by considering the power differential between the client/patient and the psychologist, the dependence and vulnerability of the client/patient and the duration of the therapeutic relationship. The greater the power differential or dependence/vulnerability of the client/patient, the greater potential for exploitation. This evaluation should be documented in the psychologist's records as part of § 41.57(a). In evaluating disciplinary matters involving allegations of multiple relationships, the Board has applied this analysis.

Proposed subsection (c)(2), which is consistent with Principle 3.05(a) of the APA Code and Section III(B) of the ASPPB Model Code, describes the three instances when exploitation occurs: (1) the psychologist's professional judgment or objectivity is impaired; (2) the relationship interferes with the psychologist's ability to perform functions effectively; or (3) the client/patient could be harmed. Examples of exploitation include engaging in sexual intimacies, as defined in § 41.81 (relating to prohibited conduct), and inducing a client/patient to solicit business on behalf of the psychologist.

Proposed subsection (c)(3) tracks the prohibition against engaging in multiple relationships that are exploitative in current Principle 6(b) of the Code, Principles 2.01(c) and 3.12 of the APA Code and Section III(B)(2)(a) of the ASPPB Model Code. Proposed subsection (c)(4) describes the action that the psychologist shall take if the multiple relationship becomes exploitative. Psychologists are required to resolve the exploitation in the best interest of the client/patient. Proposed subsection (c)(5) notifies psychologists that terminating the professional relationship does not obviate an exploitation.

Proposed subsection (c)(6) tracks current Principles 6(a) and (d) and 7(f) of the Code requiring that when there is a conflict between the psychologist's employer and the psychologist's client/patient, the psychologist is required to inform both the employer and the client/patient of the conflict, the direction of the psychologist's loyalties and responsibilities and take appropriate action. Because the resolution of the conflict is fact-specific, the Board cannot prescribe how the conflict is to be resolved.

Proposed subsection (d) addresses issues regarding client/patient welfare. Proposed subsection (d)(1) incorporates the requirement in current Principle 6(a) of the Code that psychologists keep clients/patients apprised of evaluations, treatments and other procedures so that clients/patients are adequately informed to make service decisions. An additional element added to proposed subsection (d)(1) is the recognition that generally psychologists are required to provide clients/patients with accurate and understandable accounts of their conditions. However, there are circumstances when the information would be injurious to the client/patient, or when other statutes or common law, including HIPAA, 23 Pa.C.S.

§ 6383(b)(2) and therapeutic privilege, would permit psychologists to withhold information until the client/patient is psychologically ready to accept the information.

Proposed subsection (d)(2) tracks current Principle 1(a) of the Code requiring that psychologists be objective when providing professional services. Incorporated within this objectivity requirement, taken from current Principle 2(g) and (i) of the Code, is the psychologists' recognition of age, sex, socioeconomic and ethnic differences among people, the psychologists' own personal problems and conflicts, and diverse attitudes of others. Additionally, this objectivity requirement mandates that psychologists avoid diminishing the legal and civil rights of others in current Principle 3(d) of the Code. When psychologists are unable to be objective, proposed subsection (d)(2) requires that they refer their clients/patients for other professional services. This proposed paragraph is consistent with Principles 2.01(b) and 2.06 of the APA Code.

Proposed subsection (d)(3) tracks current Principles 6(e) and 7(e) of the Code which prohibit psychologists from engaging in verbal or physical behavior which is seductive, demeaning, exploitative or harassing. This proposed paragraph is consistent with Principle 3.02 of the APA Code and Section III(D)(6) of the ASPPB Model Code. This prohibition applies to psychologists' interaction with clients/patients, supervisees, research participants, employees and students in the performance of their professional practice. However, this prohibition does not apply to psychologists' conduct that occurs outside of their professional practice.

Proposed subsection (d)(4) incorporates current law and Principle 3.10 of the APA Code requiring psychologists to ensure that their clients/patients are capable of consenting to treatment prior to beginning treatment, except when treatment is mandated by a court. In the case of minors and legally incapacitated adults, the capability to consent is provided by legal guardians as set forth in the definition of "client/patient." Proposed subsection (d)(5) tracks current Principles 5(a) and 6(c) of the Code in connection with psychologists' duty to clarify the scope of the professional relationship and the limits of confidentiality at the beginning of the professional relationship. Because it generally takes several sessions, depending upon the client/patient, to perform an evaluation and determine that scope of the professional relationship, the Board has chosen not to require this clarification at the first session. At the same time, the Board has chosen not to use the language "as soon as feasible," as that time frame may be too long.

Proposed subsection (d)(6) tracks current Principle 4(n) of the Code which requires that psychologists only provide diagnostic and therapeutic services in the context of a professional relationship and clarifies that personal advice provided outside of the professional psychological relationship does not constitute diagnostic or therapeutic services. This provision dovetails with proposed subsection (b)(5).

Proposed subsection (e) addresses confidentiality issues and is generally consistent with Principle 4 of the APA Code and Section III(F) of the ASPPB Model Code. Proposed subsection (e)(1) embodies the general requirement that psychologists, including their office staff, keep confidential information about their clients/patients confidential. The exceptions to this general requirement are in proposed subsection (e)(2).

Proposed subsection (e)(2)(A) arises in a situation when a client/patient makes a specific and immediate threat of

serious bodily injury against specific identified or readily identifiable persons. As mandated by the Pennsylvania Supreme Court in *Emerich v. Philadelphia Center for Human Development, Inc.*, 554 Pa. 209, 232-233, 720 A.2d 1032, 1043 (1996), proposed subsection (e)(2)(A)(i) requires psychologists to warn the threatened third party of the danger. This mandatory duty to warn is a change from current Principle 5(b)(1), last amended prior to the *Emerich* decision, which made the requirement to warn discretionary. Proposed subsection (e)(2)(A)(ii)—(iv) addresses additional persons to whom psychologists may disclose and discuss the threats to seek their assistance to protect against dangers and to prevent the clients/patients from harming themselves.

The second exception to the confidentiality requirement in proposed subsection (e)(2)(B) addresses reports made as a result of a court order or Federal or State law. Under proposed subsection (e)(2)(B)(i), psychologists shall make disclosures, even without their clients/patients consent, in accordance with court orders and State or Federal mandatory reporting laws, such as child abuse under 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law) (CPSL). Also, under proposed subsection (e)(2)(B)(ii), psychologists may make discretionary reports under discretionary reporting laws.

Proposed subsection (e)(3) clarifies that other than in the instances described in proposed subsection (e)(2)(B) for confidential information to be released, the written release must contain specific instructions regarding what information is to be released and to whom it is to be released. It also clarifies, that once issued, the release remains in effect until it is withdrawn or expires. Proposed subsection (e)(4), tracking current Principle 5(b)(2) of the Code, requires that even with their clients/patients' consent, prior to sharing confidential and identifiable information with other professionals, psychologists shall take reasonable steps to assure that those who receive the information are informed of their confidential nature and the prohibition against further disclosure. Proposed subsection (e)(5) tracks Principle 5(b)(2) and (3) of the Code which permits psychologists to disclose information and case reports when the client/patient's identification is appropriately disguised. This scenario arises frequently during peer group, professional presentations and academia when professional practice issues are discussed but client/patient names and identifiable information are disguised.

Proposed subsection (e)(6) requires a psychologist to obtain a client/patient's consent prior to permitting observation or electronic recording by another. This scenario frequently occurs when a psychologist or the psychologist's technique is subject to supervision or consultation.

Proposed subsection (e)(7) embodies the general rule that confidential information remains confidential even after the client/patient's death or termination of the professional psychological relationship. The proposed provision further clarifies that psychologists are not permitted to release confidential information about a client/patient, even to the client/patient's legal representatives, estates or family members, without a court order or a release signed by the client/patient.

Proposed subsection (f), like current Principle 4 of the Code, Principle 5 of the APA Code and Section III(G) of the ASPPB Model Code, delineates how psychologists shall represent their education, credentials, products and services. Proposed subsection (f)(1) tracks current Principles 2(d) and 4(a) of the Code that psychologists represent their areas of competence, education, training, exper-

ience and professional affiliations accurately to the Board, the public and their colleagues. Subsection (f)(2) tracks current Principles 2(d) and 4(a) of the Code that psychologists specifically identify doctoral degrees earned in fields other than psychology. For example, psychologists who have earned their licenses through master's degrees and then obtain a subsequent doctoral degree in mathematics are prohibited from referring to themselves as "Dr." in their psychology practices.

Proposed subsection (f)(3) tracks the requirement in current Principle 4(a) of the Code that psychologists represent their institutions and organizations accurately. Proposed subsection (f)(4) tracks requirements in current Principle 4(f)—(h) and (j) of the Code that they not associate themselves or permit their names to be used in connection with products or services that misrepresent the service, product or their degree of responsibility for the product or service. Proposed subsection (f)(5) tracks the requirement in current Principle 4(i) of the Code that psychologists may not compensate or provide anything of value to a representative of any news medium in anticipation of or in return for publicity on a news item. Proposed subsection (f)(6) tracks the requirement in current Principle 4(m) of the Code that in public statements about psychological information, services, products or opinions, psychologists shall base their statements on scientifically acceptable psychological findings and techniques.

Proposed subsection (f)(7) requires psychologists to correct misrepresentations about their professional qualifications, affiliations, associated products or services once learned that they are misrepresented. Proposed subsection (f)(8) requires psychologists to be currently licensed when listing themselves in any directory advertising their professional services.

Proposed subsection (g) addresses fees charged by psychologists for their services. Proposed subsection (g)(1) requires psychologists to discuss their fee arrangements either at the first session or as soon as feasible. Although clients/patients need to be aware of potential fees to determine whether to agree to the services, there are times when fees cannot be determined until after clients/patients are evaluated and the scope of the services determined. Further, when managed care is involved, at times, authorization cannot be obtained until after the evaluation and scope of services determination.

Proposed subsection (g)(2) prohibits psychologists from exploiting clients/patients or responsible payors by charging excessive fees or entering into exploitive bartering arrangements. Through this subsection, the Board permits bartering arrangements because it is cognizant that for patients without insurance and financial hardships, the only way to receive psychological services may be to trade goods or services for those psychological services.

Proposed subsection (g)(3) prohibits the payment and acceptance of referral fees. This prohibition is consistent with Principle 6.07 of the APA Code. Nonetheless, because the Board does not view the placement of a psychologist's name on a commercially or professionally sponsored list of licensed health care providers as a referral fee, proposed subsection (g)(4) permits psychologist to pay a flat fee for these advertising services.

Proposed subsection (h) addresses psychologists' additional obligations when utilizing assessments and incorporates Principles 1(i), 2(h), 6(f) and 8(a) and (d) of the Code, Principle 9 of the APA Code and Section III(I) of the ASPPB Model Code. Proposed subsection (h)(1), like proposed subsection (e)(1) and Section III(I)(1) of the

ASPPB Model Code, requires psychologists to assure that assessment results and information remain confidential. In reports following assessments, proposed subsection (h)(2), like current Principle 8(d) of the Code and Section III(I)(2) of the ASPPB Model Code, requires psychologists to include the results of the assessment as well as available norms, deficiencies and reservations or qualifications which affect the validity or reliability of the results except where the law permits the information to be withheld. Under HIPAA, psychologists may withhold assessment results when releasing the information would be harmful to the patient. These determinations are made on a case-by-case basis. When the information is withheld, it should be documented in the client/patient's record under § 41.57(b).

Proposed subsection (h)(3) incorporates current Principle 8(a) of the Code and Section III(I)(3) of the ASPPB Model Codes requiring that psychologists explain assessment results and limitations to their clients/patients so that they can be understood by the clients/patients. Proposed subsection (h)(4) incorporates current Principle 8(d) of the Code and Section III(I)(4) of the ASPPB Model Code to prohibit psychologists from reproducing or describing the assessments as part of lectures, presentations or popular publications in ways that might invalidate them. Based on this provision, psychologists may not disclose specific questions asked on standardized tests or allow technical manuals to be copied. Proposed subsection (h)(5) tracks current Principle 8(c) of the Code and Section III(I)(5) of the ASPPB Model Code and details the additional requirements on psychologists who offer an assessment procedure or automated interpretation services to other professionals. They are required to provide those professionals with a manual or other printed materials so that the professionals will have information about the assessment's rationale and statistical information.

Proposed subsection (i) sets forth violations of law and incorporates Section III(J) of the ASPPB Model Code. Proposed subsection (i)(1) prohibits psychologists from violating applicable statutes and regulations regulating the practice of psychology, including the act, the Board's regulations, HIPAA and the CPSL. Proposed subsection (i)(2) lists seven categories of violations involving psychology authorized under section 8 of the act. Specifically, it prohibits the use of fraud, misrepresentation or deception in: (1) obtaining a license; (2) passing the licensure examination; (3) assisting others to obtain a license or pass the licensure examination; (4) billing; (5) providing psychological services; (6) reporting results of evaluations/services; or (7) another activity regarding the practice of psychology.

Proposed subsection (j) addresses unauthorized practice. Proposed subsection (j)(1) prohibits psychologists from aiding or abetting another person in misrepresenting their professional credentials or in illegally engaging in the practice of psychology. Proposed subsection (j)(2) tracks current Principle 2(b) of the Code which prohibits the delegation of professional responsibilities to persons who are not properly trained or educated to provide those services.

Proposed subsection (k) addresses a psychologist's obligation to report other psychologists to the Board when the psychologist learns that other psychologists are violating the act or the Board's regulations. The Board had been advised by licensees that the current Code provides psychologists with conflicting directions. Current Principle 2(b) of the Code requires a psychologist who becomes aware of an ethical violation by another psychologist to

attempt to rectify the situation with the violating psychologist informally. If that attempt fails, the psychologist is directed to "call it to the attention of the Board." Conversely, current Principle 7(i) of the Code only requires informal resolution for an ethical violation that does not "affect the welfare of that psychologist's clients and which appears to be owing to lack of sensitivity, knowledge or experience." When the ethical violation "threatens client/patient welfare or is not amenable to an informal solution," psychologists "bring it to the attention of the Board." Proposed subsection (k)(1) resolves the inherent conflict between current Principles 2(b) and 7(i) of the Code and delineates five instances when psychologists are required to report to the Board.

Proposed subsection (k)(1)(i) requires mandatory reporting to the Board by a psychologist who has substantial reason to believe a psychologist is causing harm to a client/patient. Examples of harm include sexual misconduct, insurance fraud and blatant, intentional misrepresentations. The reporting psychologist may have learned of the harm through a variety of channels, including from the client/patient during a therapy session or from the violating psychologist during a peer group or a direct conversation. In either instance, under proposed subsection (k)(4), the reporting psychologist merely reports the violating psychologist and the purported harmful conduct but not the client/patient's name unless the client/patient consents. Although this reporting requirement is more stringent than Section III(L)(1) of the ASPPB Model Code, which makes reporting discretionary, and slightly more stringent than Principles 1.04 and 1.05 of the APA Code, which require informal resolution prior to reporting, the Board believes that mandatory reporting without informal resolution is necessary to protect future and other current clients/patients from the violating psychologist. At the same time, because the Board believes that disclosing the client/patient's name without consent may adversely affect the client/patient, mandatory report cannot include the client/patient's name without consent.

Proposed subsection (k)(1)(ii)—(iv), tracking the requirements in section 18(f) of the act (63 P. S. § 1218(f)), also requires mandatory reporting by psychologists when there is substantial evidence that another psychologist: (1) has an active addictive disease for which that psychologist is not receiving treatment; (2) is diverting a controlled substance; or (3) is mentally or physically incompetent to engage in the practice of psychology. Finally, proposed subsection (k)(1)(v) requires mandatory reporting when required by law, such as child abuse reporting mandated by the CPSL.

Proposed subsection (k)(2), also tracking section 18(f) of the act, carves out further exceptions from the reporting requirements for psychologists who are acting in a treatment capacity to an impaired professional in an approved treatment program. Proposed subsection (k)(3) permits discretionary reporting for those ethical violations that do not fall within proposed subsection (k)(1) and are not capable of informal resolution.

Proposed subsection (k)(4) clarifies that despite the reporting requirements, psychologists may only disclose a client/patient's name with the client/patient's written consent unless required by statute or the report that falls within paragraph (1)(i) as set forth in *Emerich*. Because this is current accepted practice, this subsection should not chill the filing of reports.

Proposed subsection (k)(5) imposes an affirmative obligation on psychologists to inform clients/patients about the standards of practice and the procedure for filing

complaints upon being advised by clients/patients of possible statutory, regulatory or ethical violations.

Proposed subsection (l) addresses psychologists' duty to refer clients/patients to other psychologists, associations, such as professional associations and managed care or insurance companies, or treatment providers for professional services. It delineates four instances when psychologists are required to make referrals: (1) the services needed by the client/patient are beyond the psychologist's competence or the scope of psychological practice; (2) there is a change in the professional relationship, such as an inability to maintain objectivity; (3) the client/patient has requested being referred; and (4) the psychologist has recommended that the client/patient be referred.

Proposed subsection (m) addresses a psychologist's duty in connection with terminating a professional relationship with a client/patient. Proposed subsection (m)(1) mandates termination when the client/patient no longer needs or is benefiting from the services or when the client/patient is being harmed or exploited by continued service. So long as the patient is not abandoned, proposed subsection (m)(2) permits psychologists to terminate at any time. If feasible, when the professional services are terminated and the client/patient requires further treatment, psychologists are required under proposed subsection (m)(3) to make a referral. While it is customary in the profession to provide the client/patient with the names of several professionals who are qualified to treat the client/patient, psychologists are not required to do so. Proposed subsection (m)(4) requires psychologists to document the termination in the client/patient's professional records.

§ 41.62—*Compliance with APA standards and guidelines*

Proposed subsection (a), which follows current Principle 3(e) of the Code, requires psychologists to adhere to APA standards and guidelines. Included within these standards and guidelines are requirements governing research, sharing data with other agencies, employee/employer relationships, teacher-student issues and working relationships or supervision of others within current Principles 1(b)—(h), 2(e), 3(e), 4(k) and (l), 6(b), 7(a), 8(c) and (f), 9(a)—(l) and 10(a)—(f) of the Code. Proposed subsection (a) is consistent with Commonwealth Court's decision in *Grossman v. State Board of Psychology*, 825 A.2d 748 (Pa. Cmwlth. 2003), *aff'd*, 575 Pa. 693, 835 A.2d 710 (2003).

Proposed subsection (b) requires psychologists to follow Federal and State law when there is a conflict between APA standards and guidelines and Federal and State law. Similarly, proposed subsection (c) requires psychologists to follow the Code if there is a conflict between the Code and APA standards and guidelines.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not have fiscal impact on the Commonwealth and should not affect the paperwork requirements as the proposed amendments are limited to ethical and practitioner recordkeeping issues.

Sunset Date

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 8, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Judith Pachter Schulder, State Board of Psychology, One Penn Center, 2601 North Third Street, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ALEX M. SIEGEL, JD, PhD,
Chairperson

Fiscal Note: 16A-6318. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 41. STATE BOARD OF PSYCHOLOGY GENERAL

§ 41.1. Definitions.

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

* * * * *

Approved treatment program provider—Either of the following:

(i) **A licensed physician or psychologist with verified training and experience in the diagnosis and treatment of addiction.**

(ii) **An individual or staff member of a facility licensed by the Department of Health, Bureau of Community Program Licensure and Certification, Division of Drug and Alcohol Program Licensure or, in the case of dual/multiple diagnoses, the Department of Public Welfare, Office of Mental Health and Substance Abuse Services.**

Board—The State Board of Psychology of the Commonwealth.

* * * * *

[**Client**—A person, system, organization, group or family for whom a psychologist provides psychological services.]

Client/patient—A person, system, organization, group or family for whom a psychologist provides psychological

services. In the case of individuals with legal guardians, including minors and legally incapacitated adults, the legal guardian [shall be] is the client/patient for decisionmaking purposes[. The], except that the minor, legally incapacitated adult or other person actually receiving the [service shall be] psychological services is the client/patient [for]:

(i) For issues [specifically reserved to the individual, such as confidential communications in a therapeutic relationship and issues] directly affecting the physical or emotional safety of the individual[, such as sexual or other exploitive dual relationships].

(ii) When the legal guardian agrees, prior to the provision of services, that the minor or legally incapacitated adult is the client/patient.

(iii) When a statutory or regulatory exception applies.

Confidential information—Information revealed by a client/patient or otherwise obtained by a psychologist when there is a reasonable expectation that because of the relationship between the client/patient and the psychologist, or the circumstances under which the information was revealed or obtained, the information is not disclosed by the psychologist without the written consent of the client/patient or as permitted under an exception in § 41.61(d) (relating to Code of Ethics).

* * * * *

Multiple relationship—A relationship in which a psychologist is in a professional role with a client/patient or immediate family member of a client/patient and at the same time is in another role with the same client/patient or promises to enter into another role in the future with the client/patient.

National Register—The Council for the National Register of Health Service Providers.

* * * * *

MISCELLANEOUS

§ 41.57. Professional records.

* * * * *

(c) A psychologist shall store and dispose of written, electronic and other records in a manner which insures their confidentiality, except as otherwise provided by law or in accordance with a written and signed authorization of a client/patient specifically authorizing release or disclosure of the client/patient's psychological records.

(d) To meet the requirements of this section, so as to provide a formal record for review, but not necessarily for other legal purposes, a psychologist shall assure that all data entries in professional records are maintained for at least 5 years after the last date that service was rendered, or in the case of minors, the greater of 5 years or the age of majority plus 2 years. A psychologist shall also abide by other legal requirements for record retention, even if longer periods of retention are required for other purposes.

* * * * *

CODE OF ETHICS

§ 41.61. Code of Ethics.

(a) **Purpose and scope.** Whereas the Board is empowered by section 3.2(2) of the [Professional Psycholo-

gists Practice Act] act (63 P. S. § 1203.2(2)), to promulgate rules and regulations, including, but not limited to, a code of ethics for psychologists in this Commonwealth and whereas the Board finds and determines that the following rules are necessary to establish and maintain the high standard of integrity and dignity in the profession of psychology and are necessary in the public interest to protect the public against unprofessional conduct on the part of a psychologist, in accordance with the act, the Board does hereby adopt this code of ethics for psychologists in this Commonwealth. Psychology students, interns, residents and trainees are put on notice that their violation of an ethical obligation imposed on psychologists by this section may be regarded by the Board as evidence of unacceptable moral character or of unacceptable supervised experience disqualifying them from licensure under section 6(a)(1) or (2) of the act (63 P. S. § 1206(a)(1) and (2)). Licensed psychologists are put on notice that an ethical violation by an individual rendering or offering to render psychological services under their supervision, as provided by the act, may result in disciplinary proceedings against the supervisor under section 8(a) of the act (63 P. S. § 1208(a)).

[Preamble

Psychologists respect the dignity and worth of the individual and honor the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of that knowledge for the promotion of human welfare. While pursuing these endeavors, they make every effort to protect the welfare of those who seek their services or of a human being or animal that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom in inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills, and concern for the best interests of clients, colleagues and society in general.

Principle 1. Responsibility.

(a) In their commitment to the understanding of human behavior, psychologists value objectivity and integrity, and in providing services they maintain the highest standards of their profession. They accept responsibility for the consequences of their work and make every effort to insure that their services are used appropriately.

(b) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion on the limitations of their data, especially when their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(c) Psychologists clarify in advance with appropriate persons and agencies the expectations for

sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of interest. Interference with the milieu in which data are collected is kept to a minimum.

(d) Psychologists have the responsibility to attempt to prevent distortion, misuse or suppression of psychological findings by the institution or agency of which they are employees.

(e) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(f) As owners or participants in ownership of a professional corporation, psychologists retain full professional liability to persons who, in the course of a professional relationship, suffer personal injury by reason of their actions or omissions.

(g) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully and accurately.

(h) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial or political situations and pressures that might lead to misuse of their influence.

(i) As professionals utilizing computerized assessments or computer-generated data, psychologists abide by the following principles:

(1) The professional psychologist is legally and ethically responsible for psychological assessment and the generation and use of data as a service to the public.

(2) When the results of computerized testing are provided to a psychologist, that psychologist becomes responsible for their use.

(3) When the results of computerized testing are provided to a nonpsychologist, the psychologist shall provide to the nonpsychologist a psychological assessment and evaluation according to current standards for noncomputerized psychological assessments.

Principle 2. Competency.

(a) The maintenance of high standards of professional competence is a responsibility shared by psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They provide only services and use only techniques for which they are qualified by education and training, consistent with the American Psychological Association's *General Guidelines for Providers of Psychological Services*. In areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(b) The psychologist discourages the practice of psychology by unqualified persons and assists the

public in identifying psychologists competent to give dependable professional service. When a psychologist or person identifying himself as a psychologist, either as a licensed practitioner or as an applicant for licensure identified as a psychologist-in-training, violates ethical standards, psychologists who know first hand of these activities attempt to rectify the situation. When such a situation cannot be dealt with informally, it is called to the attention of the Board.

(c) Psychologists regarded as qualified for independent practice in this Commonwealth are those who have been licensed by the Board. Individuals who do not yet meet the qualifications recognized for independent practice shall gain experience under qualified supervision, as employees, interns or students, until they pass the licensing examination of the Board. An ownership interest by a person who provides direct services to a client in a business which provides psychological services constitutes independent practice.

(d) Psychologists accurately represent their competence, education, training and experience. They claim as evidence of psychological educational qualifications only those degrees obtained from institutions accredited by a regional accrediting association approved by the Commission on Recognition of Postsecondary Accreditation (CORPA). Degrees earned from foreign colleges and universities may be represented only if they are determined to be equivalent to the degrees conferred by these accredited institutions. Determinations of equivalency shall be made by an agency acceptable to the Board, subject to the Board's final approval. Representations of nonpsychological earned academic degrees are not prohibited, if the degrees are from accredited schools. If these degrees are generic, such as Ph.D., Ed.D., M.S., M.A. and M.Ed., the holder may represent them, but shall specify the discipline in which each particular degree was earned.

(e) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current and scholarly.

(f) Psychologists participate in continuing education programs and keep informed of new professional procedures and knowledge.

(g) Psychologists obtain whatever training, experience or counsel is necessary to enable them to recognize differences among people, such as those that may be associated with age, sex or socioeconomic and ethnic backgrounds.

(h) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems and test research.

(i) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking activities in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student or research participant. If engaged in the activity when they become aware of their personal problems, they seek competent professional assistance to determine

whether they should suspend, terminate or limit the scope of their professional or scientific activities.

Principle 3. Moral and legal standards.

(a) Psychologists' moral, ethical and legal standards of behavior are a personal matter to the same degree as they are for other citizens, except as these may compromise the fulfillment of their professional responsibilities or reduce the trust in psychology or psychologists held by the general public. Regarding their own behavior, psychologists should be aware of the prevailing community standards and of the possible impact upon the quality of professional services provided by their conformity to or deviation from these standards. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(b) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward materials.

(c) As employes or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. These practices include, but are not limited to, those which constitute unlawful discriminatory practices under section 1 of the Pennsylvania Human Relations Act (43 P. S. § 955).

(d) In their professional roles, psychologists avoid action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(e) As practitioners and researchers, psychologists act in accord with American Psychological Association standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. Whenever the laws, regulations or standards are in conflict, psychologists make known their commitment to a resolution of the conflict. Both practitioners and researchers are concerned with the development of laws and regulations which best serve the public interest.

Principle 4. Public statement.

(a) Public statements, announcements of services and promotional activities of psychologists serve the purpose of providing sufficient information to aid the consumer public in making informed judgments and choices. Psychologists represent accurately and objectively their professional qualifications, affiliations and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of the evidence.

(b) Only psychologists licensed by a state board of psychologist examiners may be listed under the

heading of psychologists in the yellow pages of the telephone directory. Psychologists licensed in a state other than Pennsylvania shall furnish written proof to the Board office of their current licensure in another state, and of their compliance with § 41.52(c) (relating to licensure in other states).

(c) Groups offering psychological services may list themselves under the heading "psychologists-group, association and corporate practice" if they are licensed psychologists responsible for the delivery of the services.

(d) When announcing or advertising professional services, or when listing professional services in a telephone directory, psychologists may list the following information to describe the provider and services provided: name, relevant academic degrees earned from regionally accredited institutions, date, type and level of certification or licensure, diplomate status, professional membership status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of the principles contained in this Code of Ethics.

(e) Announcements of "personal growth groups" give a clear statement of the purpose and nature of the experiences to be provided. The education, training and experience of a psychologist are appropriately specified.

(f) In announcing or advertising the availability of psychological products, publications or services, psychologists do not present their affiliation with an organization in a manner that falsely implies sponsorship or certification by that organization. In particular, psychologists do not state membership in a professional organization or fellow status in such a way as to suggest that the membership implies specialized professional competence or qualifications. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio or motion picture. Public statements may not contain one or more of the following:

(1) A false, fraudulent, misleading, deceptive or unfair statement.

(2) A misrepresentation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts.

(3) A statement intended or likely to create false or unjustified expectations of favorable results.

(4) A statement falsely implying unusual, unique or one-of-a-kind abilities.

(5) A statement intended or likely to appeal to a client's fears, anxieties or emotions concerning the possible results of failure to obtain the offered services.

(6) A statement comparing the advertiser's services with another psychologist's services, unless the comparison can be factually substantiated.

(g) Psychologists do not compensate or give anything of value to a representative of the press, radio, television or other communication medium

in anticipation of or in return for professional publicity in a news item. A paid advertisement shall be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(h) Psychologists associated with the development or promotion of psychological devices, books or other products offered for commercial sale make every effort to insure that announcements and advertisements are presented in a professional, scientifically acceptable and factually informative manner.

(i) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.

(j) Psychologists present the science of psychology and offer their services, products and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions and choices.

(k) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress and the nature of course experiences. Announcements, brochures or advertisements describing workshops, seminars or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives and the nature of the materials to be covered. These announcements also accurately represent the education, training and experience of the psychologists presenting the program, and an accurate and accessible schedule of fees, if any.

(l) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(m) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these ethical principles.

(n) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, mail or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

(o) Products that are described or presented by means of public lectures or demonstrations, newspapers or magazine articles, radio or television

programs, or similar media shall meet the same recognized standards as exist for products used in the context of a professional relationship.

(p) Psychologists may not engage in face-to-face, direct solicitation of clients.

Principle 5. Confidentiality.

(a) Psychologists shall safeguard the confidentiality of information about an individual that has been obtained in the course of teaching, practice or investigation. Psychologists may not, without the written consent of their clients or the client's authorized legal representative, or the client's guardian by order as a result of incompetency proceedings, be examined in a civil or criminal action as to information acquired in the course of their professional service on behalf of the client. Information may be revealed with the consent of the clients affected only after full disclosure to them and after their authorization. Psychologists shall exercise reasonable care to prevent their employes, associates and others whose services are utilized by them from disclosing or using information about the client.

(b) A psychologist may reveal the following information about a client:

(1) Information received in confidence is revealed only after most careful deliberation and when there is clear and imminent danger to an individual or to society, and then only to appropriate professional workers or public authorities. This Code of Ethics does not prohibit a psychologist from taking reasonable measures to prevent harm when a client has expressed a serious threat or intent to kill or seriously injure an identified or readily identifiable person or group of people and when the psychologist determines that the client is likely to carry out the threat or intent. Reasonable measures may include directly advising the potential victim of the threat or intent of the client. Because these measures should not be taken without careful consideration of clients and their situation, consultation with other mental health professionals should be sought whenever there is time to do so to validate the clinical impression that the threat or intent of harm is likely to be carried out.

(2) Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employes and others are discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports should present data germane to the purposes of the evaluation; every effort should be made to avoid undue invasion of privacy.

(3) Clinical and other materials are used in classroom teaching and writing only when the identity of the persons involved is adequately disguised.

(4) Confidentiality of professional communications about individuals is maintained. Only when the originator and other persons involved give their express written permission is a confidential professional communication shown to the individual concerned. The psychologist is responsible for informing the client of the limits of the confidentiality.

(5) Only after explicit permission has been granted is the identity of research subjects pub-

lished. When data have been published without permission for identification, the psychologist assumes responsibility for adequately disguising their sources.

(6) The psychologist makes provisions for the maintenance of confidentiality in the preservation and ultimate disposition of confidential records.

(7) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect the person's best interests.

Principle 6. Welfare of the consumer.

(a) Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When there is a conflict of interest between the client and the psychologist's employing institution, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational or training procedure and they freely acknowledge that clients, students or participants in research have freedom of choice with regard to participation.

(b) Psychologists are continually cognizant of their own needs and their inherently powerful position vis a vis clients, students and subordinates, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients or relationships which might impair their professional judgment or increase the risk of exploitation. Examples of dual relationships include treating employes, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

(c) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(d) Where demands of an organization on psychologists go beyond reasonable conditions of employment, psychologists recognize possible conflicts of interest that may arise. When conflicts occur, psychologists clarify the nature of the conflict, inform all parties of the nature and direction of the loyalties and responsibilities involved, and take appropriate action.

(e) When acting as a supervisor, trainer, researcher or employer, psychologists accord informed choice, confidentiality, due process and protection from physical and mental harm to their subordinates in these relationships.

(f) Financial arrangements in professional practice are in accord with professional standards that safeguard the best interests of the client and that are clearly understood by the client in advance of billing. Psychologists are responsible for assisting clients in finding needed services in those instances where payment of the usual fee would be a hardship. No commission, rebate or other form of remuneration may be given or received for referral of clients for professional services, whether by an individual or by an agency.

(g) The psychologist attempts to terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. Psychologists who find that their services are being used by employers in a way that is not beneficial to the participants or to employes who may be affected, or to significant others, have the responsibility to make their observations known to the responsible persons and to propose modifications or termination of the engagement.

Principle 7. Professional relationships.

(a) Psychologists act with due regard for the needs, special competencies and obligations of their colleagues in psychology and other professions. Psychologists respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(b) Psychologists understand the areas of competence of related professions, and make full use of the professional, technical and administrative resources that best serve the interest of consumers. The absence of formal relationships with other professional workers does not relieve psychologists from the responsibility of securing for their clients the best possible professional service nor does it relieve them from the exercise of foresight, diligence and tact in obtaining the complementary or alternative assistance needed by clients.

(c) Psychologists know and take into account the traditions and practices of other professional groups with which they work and cooperate fully with members of these groups. If a consumer is receiving similar services from another professional, psychologists do not offer their services directly to the consumer. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceeds with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues with the client to minimize the risk of confusion and conflict.

(d) Psychologists who employ or supervise other professionals or professionals in training accept the obligations to facilitate their further professional development by providing suitable working conditions, consultation, timely evaluations and experience opportunities.

(e) Psychologists do not exploit their professional relationships with clients, supervisees, students, employes or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures or physical contacts of a sexual nature that are unwanted by the recipient.

(f) As employes of organizations providing psychological services, or as independent psychologists serving clients in an organizational context, psychologists seek to support the integrity, reputation and proprietary rights of the host organization. When it is judged necessary in a client's interest to question the organization's programs or policies, psychologists attempt to effect change by constructive action within the organization before disclosing confidential information acquired in their professional roles.

(g) In the pursuit of research, psychologists give sponsoring agencies, host institutions and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. They are aware of their obligation to future research workers and insure that host institutions are given adequate information about the research and proper acknowledgement of their contributions.

(h) Publication credit is assigned to those who have contributed to a publication in proportion to their contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the experimenter or author who made the principal contribution identified and listed first. Minor contributions of a professional character and extensive clerical or similar nonprofessional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publication publish the material in the name of the originating group or author, with their own name appearing as chairperson or editor. Contributors are to be acknowledged and named.

(i) When psychologists know of an ethical violation by another psychologist which does not affect the welfare of that psychologist's clients and which appears to be owing to lack of sensitivity, knowledge or experience, they attempt to resolve the issue informally by bringing the behavior to the attention of the psychologist. Informal corrective efforts are made with regard for rights to confidentiality involved. If the violation is one which threatens client welfare or is not amenable to an informal solution, psychologists bring it to the attention of the Board. Obligations imposed by this subsection are in addition to the reporting requirements under section 18(f) of the act (63 P. S. § 1218(f)).

Principle 8. Utilization of assessment.

(a) In the development, publication and utilization of psychological assessment techniques, psychologists observe relevant professional standards and make every effort to promote the welfare and best interests of the client. A person who has been examined has the right to receive, and the psychologist has the responsibility to provide, explanations of the nature, purpose, results and interpretations of assessment techniques in language the person can understand. Psychologists guard against misuse of assessment results and avoid imparting unnecessary information which would compromise test security, but they provide requested information that explains the basis for decisions that may adversely affect the person examined or that person's dependents.

(b) Persons examined at the request of or under the auspices of a sponsoring entity such as an employer or potential employer, a school, a hospital, or the like shall have, irrespective of who pays for the service, the same rights to information as set out in subsection (a), unless limitations are agreed upon in advance in writing among the psychologist, the person to be examined or that person's legal representative, and the sponsoring

entity. The psychologist shall provide the examination results to the sponsoring entity only upon authorization in writing signed by the person to be examined or that person's legal representative. The psychologist shall ensure that the person to be examined or that person's legal representative makes an informed decision as to giving up one or more of the rights in subsection (a) and as to releasing information to the sponsoring entity.

(c) When a test is published or otherwise made available for operational use, it is accompanied by a manual—or other published or readily available information—that fully describes the development of the test, the rationale, and evidence of validity and reliability. The test manual explicitly states the purposes and applications required to administer the test and to interpret it properly. Test manuals provide complete information regarding the characteristics of the normative population.

(d) In reporting test results, psychologists indicate reservations regarding validity or reliability resulting from testing circumstances or inappropriateness of the test norms for the person tested. Psychologists strive to insure that the test results and their interpretations are not misused by others.

(e) Psychologists accept responsibility for removing from clients' files test score information that has become obsolete, lest the information be misused or misconstrued to the disadvantage of the person tested.

(f) Psychologists offering test scoring and interpretation services are able to demonstrate that the validity of the programs and procedures used in arriving at interpretations is based on appropriate evidence. The public offering of an automated test interpretation is considered as a professional-to-professional consultation. The psychologist makes every effort to avoid misuse of test reports.

Principle 9. Research with human participants.

(a) The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and to human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, psychologists carry out their investigations with respect for the people who participate, with concern for their dignity and welfare, and in compliance with Federal and State regulations and professional standards governing the conduct of research with human participants.

(b) In planning a study the investigator has the responsibility to make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a compromise of any principle, the investigator incurs an increasingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of the human research participants.

(c) Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal risk" according to recognized standards, is of primary ethical concern to the

investigator. "Minimal risk" means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

(d) Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students and employees, all of whom, however, incur parallel obligations.

(e) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor the promises and commitments included in that agreement. The investigator informs the participants of the aspects of the research that might reasonably be expected to influence willingness to participate and explains the other aspects of the research about which the participants inquire. Research with children or with participants who have impairments that limit their understanding or communication requires the informed consent of their legal representatives. Failure to make full disclosure prior to obtaining the consent of a participant or the participant's legal representative is acceptable only under the conditions in subsection (g).

(f) Investigations of human participants using drugs should be conducted only in such settings as clinics, hospitals or research facilities maintaining appropriate safeguards for the participants.

(g) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to:

(1) Determine whether the use of techniques involving concealment or deception is justified by the study's prospective scientific, educational or applied value.

(2) Determine whether alternative procedures are available that do not use concealment or deception.

(3) Ensure that the participants are provided with sufficient explanation as soon as possible.

(h) The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Positions of authority include, but are not limited to, situations in which research participation is required as part of employment or in which the participant is a student, client or employe of the investigator.

(i) The investigator protects the participant from physical or mental discomfort, harm and danger that may arise from research procedures. If risks of these consequences exist, the investigator informs the participant of that fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use these

procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from each participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm or related questions or concerns arise.

(j) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove misconceptions that may have arisen. If scientific or humane values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(k) If research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(l) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to the information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

Principle 10. Care and use of animals in research.

(a) An investigator of animal behavior strives either to advance understanding of basic behavioral principles or to contribute to the improvement of human health and welfare or to achieve both these goals. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(b) The acquisition, care, use and disposal of animals are in compliance with current Federal, State or provincial, and local laws and regulations.

(c) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health and humane treatment.

(d) Psychologists ensure that individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(e) Psychologists make every effort to minimize discomfort, illness and pain of animals. A procedure subjecting animals to pain, stress or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(f) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.]

(b) *Competence.*

(1) A psychologist shall limit the psychologist's practice and supervision to the areas in which the psychologist is competent by virtue of education, training and experience.

(2) A psychologist shall maintain current competency in every area in which the psychologist practices, through continuing education, consultation or other procedures, in conformance with current standards of scientific and professional knowledge.

(3) A psychologist shall represent the psychologist's area or areas of competence in accordance with subsection (f)(1).

(4) A psychologist shall obtain education and training and engage in ongoing consultation when developing competency in a service or technique that is either new to the profession or new to the psychologist. A psychologist shall inform each client/patient who receives the service or technique of its innovative nature and the known risks associated with the service or technique so that the client/patient can determine whether to agree to the psychologist's provision of the service or technique.

(5) A psychologist may not render a formal psychological opinion about a person without direct professional contact with or a review of records of the person.

(6) A psychologist shall make arrangements to respond to the needs of the psychologist's clients/patients during periods of foreseen absences from professional availability.

(7) A psychologist may not undertake or continue a professional relationship with a client/patient when the psychologist is unable to practice psychology with reasonable skill and safety as set forth in section 8(a)(8) of the act. If a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship as outlined in subsection (m).

(c) *Multiple relationships.*

(1) Before entering into a multiple relationship, a psychologist shall evaluate the potential for exploitation of the client/patient by considering the power differential between the psychologist and the client/patient, the dependence and vulnerability of the client/patient and the duration of the therapeutic relationship.

(2) Exploitation occurs when the multiple relationship impairs the psychologist's professional judgment or objectivity, interferes with the psychologist's effectively performing the psychologist's functions or has the potential to harm the client/patient.

(3) A psychologist may not engage in a multiple relationship with a client/patient that is exploitative.

(4) If, at any time, a multiple relationship becomes exploitative, the psychologist shall resolve the exploitation in the best interest of the client/patient.

(5) Terminating the professional relationship does not obviate an exploitation.

(6) When the interests of a psychologist's employer conflicts with the interests of a client/patient, the psychologist shall clarify the nature of the conflict, inform the parties of the nature and direction of the loyalties and responsibilities involved, and act in accordance with those discussions.

(d) *Client/patient welfare.*

(1) A psychologist shall provide an accurate and understandable account of the client/patient's condition to the client/patient except when the information may be withheld by law. A psychologist shall keep the client/patient informed of the purpose and nature of any evaluation, treatment or other procedure and of the client/patient's right to freedom of choice regarding services provided.

(2) A psychologist shall be objective about the client/patient when providing psychological services. If the psychologist is unable to be objective, the psychologist shall make a referral.

(3) A psychologist may not engage in verbal or physical behavior in the psychologist's professional practice which is seductive, demeaning, exploitative, harassing or causes physical harm.

(4) A psychologist shall ensure that the client/patient receiving treatment is capable of consenting to treatment unless treatment is mandated by a court.

(5) A psychologist shall, at the beginning of the professional relationship, clarify the scope of the relationship and the limits of confidentiality to the client/patient.

(6) A psychologist shall provide diagnostic and therapeutic services only in the context of a professional psychological relationship. Personal advice outside of that relationship does not constitute diagnostic and therapeutic service.

(e) *Protecting confidentiality of clients/patients.*

(1) A psychologist shall keep confidential information as defined in § 41.1 (relating to definitions) about a client/patient confidential and assure that employees keep this information confidential except as provided in paragraph (2).

(2) A psychologist may make the following disclosures without the client/patient's written consent:

(i) When the client/patient communicates to the psychologist a specific and immediate threat of serious bodily injury against a specifically identified or readily identifiable party and when the psychologist determines that the client/patient presents serious danger of violence:

(A) The psychologist shall warn identified or readily identifiable threatened third parties of the danger.

(B) The psychologist may discuss these threats with other psychologists and seek assistance to protect against the danger.

(C) The psychologist may communicate the threats and seek assistance to prevent the client/patient from harming himself or others.

(ii) When mandated to report:

(A) A psychologist shall disclose confidential information without the client/patient's consent when mandated to report pursuant to a court order or as required under Federal or State law.

(B) A psychologist may disclose confidential information without the client/patient's consent in accordance with discretionary reporting requirements in Federal or State law.

(3) A psychologist shall comply with the client/patient's written direction to release confidential information, until it is withdrawn or expired, when the direction specifically identifies the person or persons to whom the information may be released and the specific information to be released.

(4) A psychologist shall take reasonable steps to assure that persons permitted to receive the confidential information are informed about the confidential nature of the information and the prohibition against further disclosure.

(5) When case reports or other confidential information is used in situations other than the treatment of a specific client/patient, a psychologist shall exercise reasonable care to insure that identifiable information is appropriately disguised.

(6) A psychologist shall obtain the consent of the client/patient prior to permitting observation or electronic recording by another.

(7) A psychologist shall keep the client/patient's information confidential even after the professional relationship terminates or the client/patient dies except in response to a court order or a release signed by the client/patient.

(f) *Representations.*

(1) A psychologist shall accurately represent the psychologist's areas of competence, education, training, experience and professional affiliations in psychology to the Board, the public and colleagues.

(2) Doctoral degrees earned in fields other than psychology shall be specifically identified.

(3) A psychologist shall accurately represent the institutions and organizations with which the psychologist is associated.

(4) A psychologist may not associate with or permit the psychologist's name to be used in connection with a service or product in a way as to misrepresent the service or product or the degree of the psychologist's responsibility for the service or product.

(5) A psychologist may not compensate or provide anything of value to a representative of a news medium in anticipation of or in return for professional publicity in a news item.

(6) In public statements about psychological information, the availability of psychological products, publications or services, or professional opinions, a psychologist shall provide sufficient general information to aid the consuming public in making informed judgments and choices, base the statements on scientifically acceptable psychological findings and techniques, and inform consumers of the limits and uncertainties of the evidence.

(7) The psychologist shall, when possible, correct a misrepresentation when a psychologist learns

that the psychologist's professional qualifications, affiliations, associated products or services are misrepresented.

(8) A psychologist shall be currently licensed at the time the psychologist lists the psychologist's services in a directory advertising psychological services.

(g) *Fees.*

(1) At the first session or as soon as feasible, a psychologist shall discuss fee arrangements with the client/patient.

(2) A psychologist may not exploit a client/patient or responsible payor by charging fees that are excessive for the services performed or by entering into an exploitive bartering arrangement instead of a fee.

(3) A psychologist may not pay or accept a referral fee for a psychological service.

(4) A psychologist may pay a flat fee for advertising services, including the placement of the psychologist's name on a commercially or professionally sponsored list of licensed health care providers.

(h) *Assessment procedures.*

(1) A psychologist shall assure that an assessment result or interpretation remains confidential.

(2) A psychologist shall include in a report of the results of a formal assessment procedure, for which norms are available, deficiencies of the assessment norms for the individuals assessed and relevant reservations or qualifications which affect the validity, reliability or other interpretation of results.

(3) A psychologist shall explain assessment results and the limitations of the assessment to the client/patient, except when information may be withheld by law, in a manner that the information can be understood by the client/patient.

(4) A psychologist may not reproduce or describe in popular publications, lectures or public presentations, psychological tests or other assessment devices in ways that might invalidate them.

(5) A psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed materials which describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population.

(i) The psychologist shall ensure that the advertisements for the assessment procedure or interpretive service are factual and descriptive.

(ii) The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly.

(i) *Violations of law.*

(1) A psychologist may not violate applicable statutes or administrative rules regulating the practice of psychology.

(2) A psychologist may not use fraud, misrepresentation or deception in any of the following:

- (i) Obtaining a psychology license.
- (ii) Passing a psychology licensing examination.
- (iii) Assisting another to obtain a psychology license or to pass a psychology licensing examination.
- (iv) Billing a client/patient or third party payor.
- (v) Providing psychological services.
- (vi) Reporting the results of psychological evaluations or services.
- (vii) Conducting another activity related to the practice of psychology.

(j) *Aiding unauthorized practice.*

(1) A psychologist may not aid or abet another person in misrepresenting the other person's professional credentials or in illegally engaging in the practice of psychology.

(2) A psychologist may not delegate professional responsibilities to a person not appropriately credentialed or otherwise qualified to provide the services.

(k) *Reporting suspected violations.*

(1) A psychologist is required to report suspected violations to the Board when:

(i) The psychologist has a substantial reason to believe a psychologist is causing harm to a client/patient.

(ii) The psychologist has substantial evidence that a psychologist has an active addictive disease for which the psychologist is not receiving treatment.

(iii) The psychologist has substantial evidence that a psychologist is diverting a controlled substance.

(iv) The psychologist has substantial evidence that a psychologist is mentally or physically incompetent to engage in the practice of psychology.

(v) Reporting is required under another law.

(2) A psychologist who is acting in a treatment capacity to an impaired professional in an approved treatment program is exempt from the mandatory reporting requirements in paragraph (1)(ii)—(iv).

(3) A psychologist may report ethical violations that do not fall within paragraph (1) to the Board.

(4) Other than as set forth in paragraph (1)(i), which only requires consent, or unless required by statute, the client/patient's name may be provided to the Board only with the written consent of the client/patient.

(5) When a psychologist learns of possible statutory, regulatory or ethical violations from a client/patient or when a client/patient is seeking information about filing a complaint against another psychologist, the psychologist shall inform the client/patient of the standards of practice of psychology and the procedure for filing a complaint.

(1) *Referrals.* A psychologist shall refer a client/patient when:

(1) Services needed by the client/patient are beyond the psychologist's competence or beyond the scope of psychological practice.

(2) There is a change in the professional relationship,

(3) The client/patient has asked to be referred.

(4) The psychologist has recommended referral.

(m) *Termination of services.*

(1) A psychologist shall terminate a professional relationship when either of the following occurs:

(i) The client/patient no longer needs or is benefiting from the services.

(ii) The client/patient is being harmed or exploited by continued service.

(2) A psychologist may terminate a professional relationship at any time so long as the termination does not constitute abandonment.

(3) When professional services are terminated and the client/patient requires further treatment, a psychologist shall, if feasible, refer the client/patient to other psychologists, associations or treatment providers.

(4) When a psychologist terminates the professional relationship, the psychologist shall document the termination in writing in the client/patient's records.

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 41.62. Compliance with APA standards and guidelines.

(a) A psychologist shall adhere to APA standards and guidelines, except as provided in subsections (b) and (c).

(b) If there is a conflict between APA standards and guidelines and Federal or State law, a psychologist shall adhere to Federal and State law.

(c) If there is a conflict between APA standards and guidelines and this chapter, a psychologist shall adhere to this chapter.

[Pa.B. Doc. No. 12-1596. Filed for public inspection August 17, 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 Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective August 2, 2012.

The organization chart at 42 Pa.B. 5372 (August 18, 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. 12-1597. Filed for public inspection August 17, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective August 2, 2012.

The organization chart at 42 Pa.B. 5373 (August 18, 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. 12-1598. Filed for public inspection August 17, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania State Police

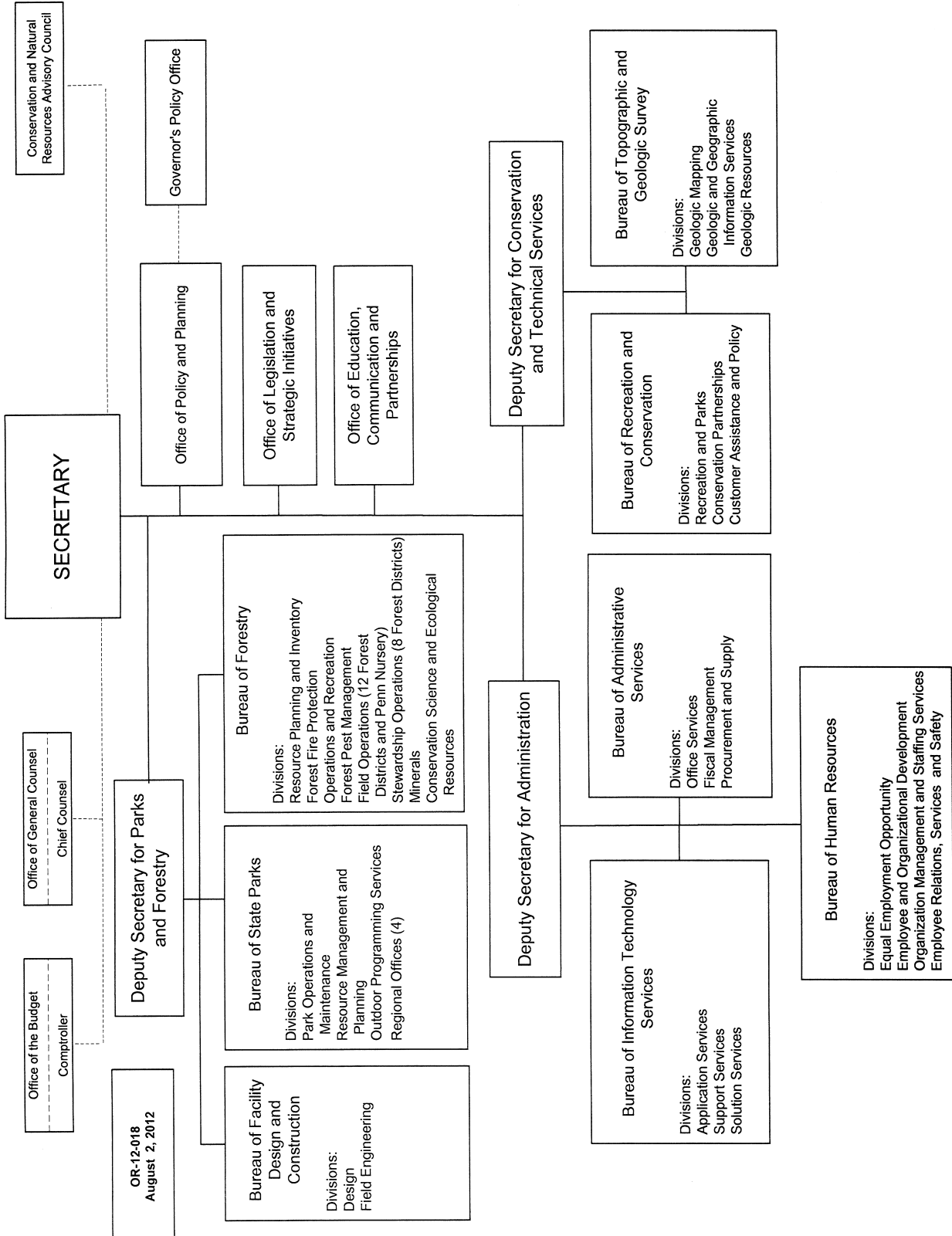
The Executive Board approved a reorganization of the Pennsylvania State Police effective August 2, 2012.

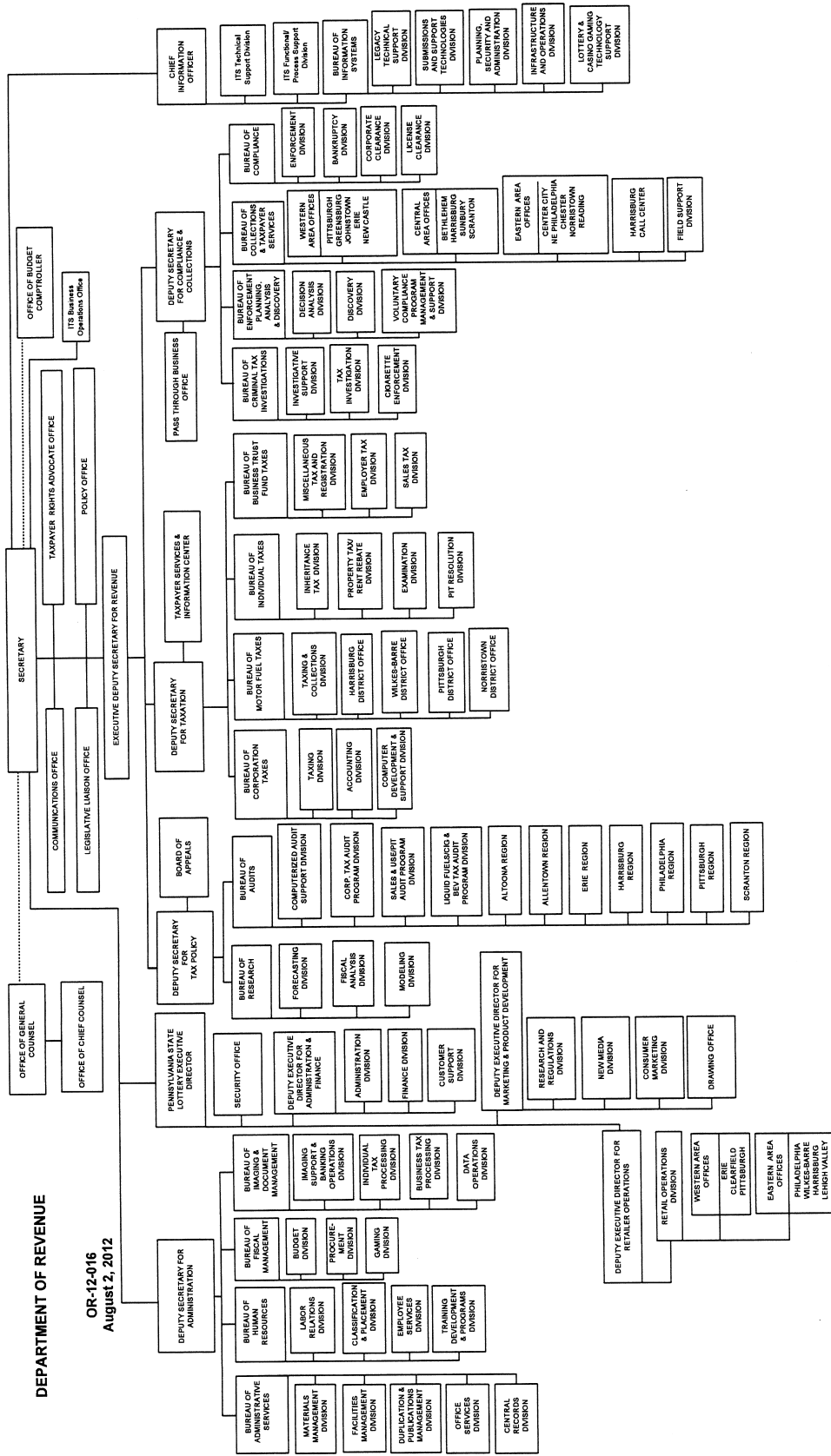
The organization chart at 42 Pa.B. 5374 (August 18, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(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.)

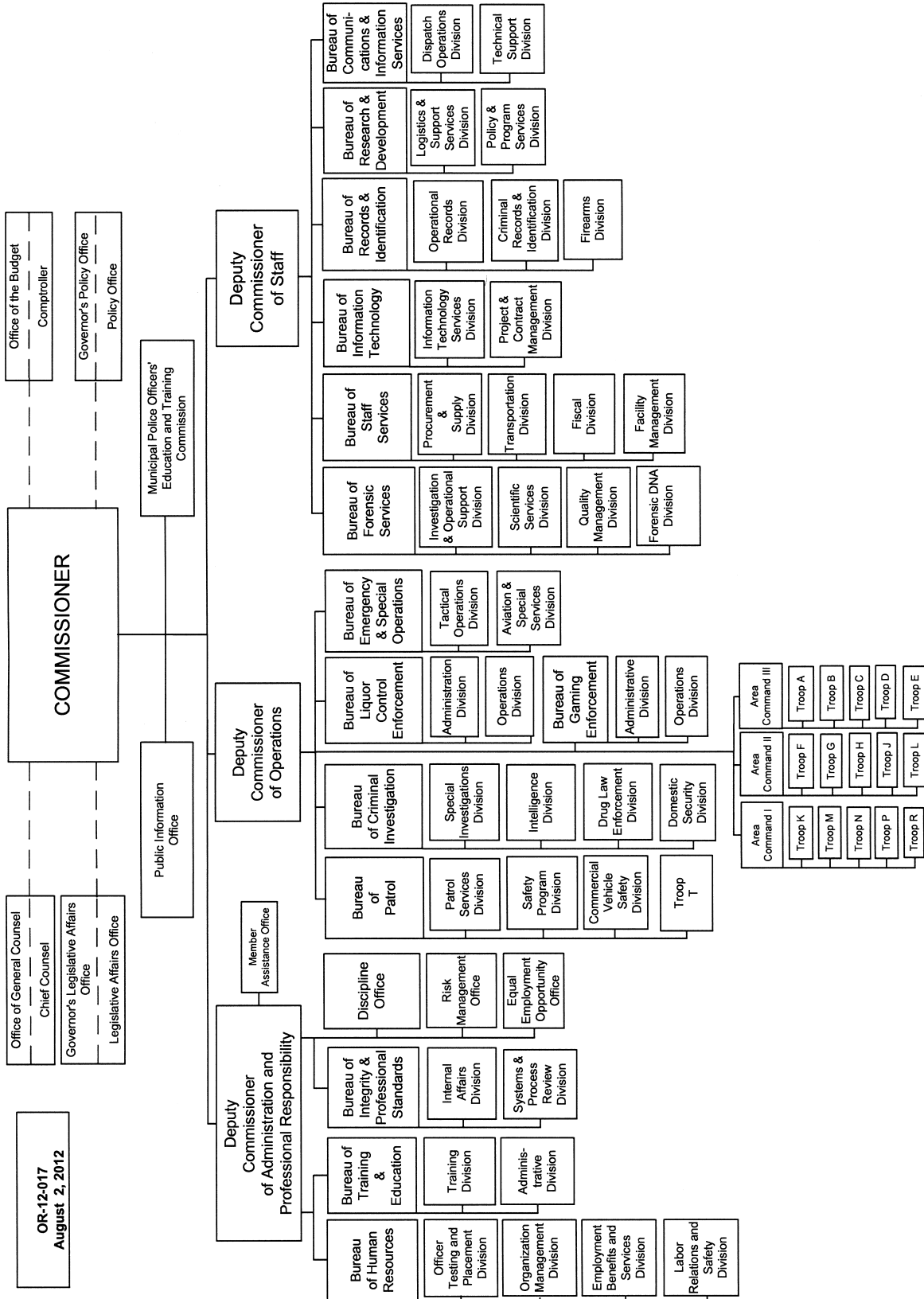
[Pa.B. Doc. No. 12-1599. Filed for public inspection August 17, 2012, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES





PENNSYLVANIA STATE POLICE



NOTICES

BOARD OF COAL MINE SAFETY

Meeting Cancellation

The Board of Coal Mine Safety has cancelled its meeting scheduled for September 18, 2012. The next meeting will be held on December 11, 2012, at 10 a.m. at the Department of Environmental Protection Bureau of Mine Safety Mine Rescue Facility, 286 Industrial Park Road, Ebensburg, PA.

Questions concerning the meetings can be directed to Allison D. Gaida at (724) 439-7289 or agaida@pa.gov.

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

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 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,
Chairperson

[Pa.B. Doc. No. 12-1600. Filed for public inspection August 17, 2012, 9:00 a.m.]

DEPARTMENT OF BANKING

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2012

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2012, is 4 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 1.88 to which was added 2.50 percentage points for a total of 4.38 that by law is rounded off to the nearest quarter at 4 1/2%.

GLENN E. MOYER,
Secretary

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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. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. 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>
PA0044270 (Sewage)	Keystone MHP STP 5230 Keystone Road Laurys Station, PA 18059	Lehigh County North Whitehall Township	Lehigh River (2-C)	Y
PA0063592 (Sewage)	Gilberton Borough Main Street Maizeville Gilberton, PA 17934	Schuylkill County Gilberton Borough	Little Mahanoy Creek (6-B)	Y
PA0034118 (Sewage)	Jack Frost Mountain STP 110 Jack Mountain Road Blakeslee, PA 18610	Carbon County Kidder Township	Porter Run (2-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0080616 (Sew) Transfer	Pleasant Valley Rentals, LLC (Mountain View Mobile Home Park) 6551 Guitner Road Greencastle, PA 17225	Adams County / Reading Township	Conewago Creek / 7-F	Y

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

<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>
PA0115321 (non-municipal)	Eric J Pennington 95 Horn Road Cogan Station, PA 17728	Lycoming County Lycoming Township	Little Gap Run (10-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0238601 (Sewage)	Sutton MHP McGregor Road Butler, PA 16001	Butler County Clay Township	Unnamed Tributary to Glade Run (20-C)	Y

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

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

PA0026476, Sewage, SIC Code 4952, **Coaldale-Lansford-Summit Hill Sewer Authority**, 162 W Ridge Street, Lansford, PA 18232-1310. Facility Name: Coaldale Lansford Summit Hill Sewer Authority. This existing facility is located in Coaldale Borough, **Schuylkill County**.

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

The receiving stream Panther Creek is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on the Schuylkill River 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.65 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	Inst Min	.9	XXX	2.2
CBOD ₅	340	550	XXX	25.0	40.0	50.0
Total Suspended Solids	410	620	XXX	30.0	45.0	60.0
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

Point sources 002—007 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department of Environmental Protection's EPA approved CSO strategy, a special permit requirement is included in Part C of this permit.

In addition to the effluent limits, the permit contains the following major special conditions:

Management and Control of Combined Sewer Overflows.

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

The EPA Waiver is not in effect.

PA0063568, Industrial Waste, SIC Code 4941, **Northampton Borough Municipal Authority**, 1 Clear Springs Drive, PO Box 156, Northampton, PA 18067-0156. Facility Name: Northampton Borough Municipal Authority Water Treatment Plant. This existing facility is located in North Whitehall Township, Lehigh County. The discharge point is located in Whitehall Township, **Lehigh County**.

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

The receiving stream, Spring Creek, is located in State Water Plan watershed 2-C and is classified for Cold 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 design flow of 0.150 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.22	0.52	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Total Aluminum	XXX	XXX	XXX	0.98	2.0	XXX
Total Iron	XXX	XXX	XXX	2.0	4.0	XXX
Total Manganese	XXX	XXX	XXX	1.0	2.0	XXX

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

- Chemical Additives

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

The EPA Waiver is in effect.

PA0060372, Sewage, SIC Code 4952, **Factoryville Borough and Clinton Township Joint Municipal Sewer Authority**, 161 College Avenue, P. O. Box 277, Factoryville, PA 18419-0277. Facility Name: Factoryville Borough and Clinton Township WWTP. This existing facility is located in Clinton Township, **Wyoming 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, South Branch Tunkhannock Creek, is located in State Water Plan watershed 04F and is classified for Trout Stocking (TSF), 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 0.185 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	38.6	61.7	XXX	25.0	40.0	50.0
Total Suspended Solids	46.3	69.4	XXX	30.0	45.0	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	7,306			
Net Total Phosphorus	Report	974			

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

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

- Chesapeake Bay Nutrient Requirements

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

The EPA Waiver is in effect.

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

Application No. PA0247685, Concentrated Animal Feeding Operation (CAFO), **Rohrer Dairy Farms, LLC**, 124 Charlestown Road, Washington Boro, PA 17582.

Rohrer Dairy Farms, LLC has submitted an application for an Individual NPDES permit for an existing CAFO known as the Rohrer Dairy Farm, located at 124 Charlestown Road, Washington Boro, PA 17582 in Manor Township, **Lancaster County**.

The CAFO is situated near a Stamans Run in Watershed 7-J, which is classified for warm water fishery. The CAFO is designed to maintain an animal population of approximately 2,236.5 animal equivalent units (AEUs) consisting of 1,160 dairy cows, and 1180 heifers/calves. Manure is collected in 3 concrete underneath storages, slurrystore and penpack with some pasturing. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0081388, Sewage, SIC Code 6515, **Barkas, Inc.**, 14871 Mount Olivet Road, Stewartstown, PA 17363. Facility Name: Windy Brae Mobile Home Park. This existing facility is located in North Hopewell Township, **York County**.

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

The receiving stream, Unnamed Tributary of East Branch Codorus Creek, is located in State Water Plan watershed 7-H and is classified for High Quality Waters - Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0337 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	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
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.15	XXX	0.49
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
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.

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

PA0033910 A-1, Sewage, SIC Code 8211, **Northeast Bradford School District**, 526 Panther Lane, Rome, PA 18837-7892. Facility Name: Northeast Bradford School WWTP. This existing facility is located in Orwell Township, **Bradford County**.

Description of Existing Activity: The application is for an NPDES permit amendment for an existing discharge of treated Sewage. The permit was amended to remove Total Residual Chlorine limits and to include monitoring and reporting requirements for ultraviolet.

The receiving stream(s), Johnson Creek, is located in State Water Plan watershed 4-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
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						
Jun 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12
Nov 1 - May 31	XXX	XXX	XXX	18	XXX	XXX
UV Dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

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

The EPA Waiver is in effect.

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

PA0254592, Cindy Kerr, Power of Attorney, 65 Spring Valley Road, Washington, PA 15301. Facility Name: Kerr Property SRSTP. This proposed facility is located in South Franklin Township, **Washington County**.

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

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

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

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

The EPA Waiver is 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. 0912403, Sewage, **Bethel Baptist Church**, 754 East Rockhill Road, Sellersville, PA 18960.

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

Description of Action/Activity: Replacing old existing treatment plant with a new one. No change in loading or use.

WQM Permit No. WQG010040, Sewage, **Robert B. Helverson, Jr.**, 1164 Richlandtown Pike, Richlandtown, PA 18955.

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

Description of Action/Activity: Construction and operation of a small flow sewage treatment plant for a single family residence.

WQM Permit No. 4612404, Sewage, **Upper Merion Township**, 175 West Valley Forge Road, King of Prussia, PA 19406.

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

Description of Action/Activity: Replacing aging sludge dewatering equipment with new equipment.

WQM Permit No. 4612405, Sewage, **Upper Merion Township**, 175 West Valley Forge Road, King of Prussia, PA 19406.

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

Description of Action/Activity: Replacing aging sludge dewatering equipment with new equipment.

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

WQM Permit No. WQG028334, Sewerage, **Meadville Area Sewer Authority**, 1320 Park Avenue, Meadville, PA 16335.

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

Description of Proposed Action/Activity: Application for a low pressure sanitary forcemain extension for Beverly Drive.

WQM Permit No. 2702401, Sewerage, **Amendment No. 1, Jenks Township Forest County**, 135 Pine Street P. O. Box 436, Marienville, PA 16239.

This existing facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: Application to upgrade digester aeration equipment.

WQM Permit No. 6171402, Amendment, General Authority of the City of Franklin, 430 Thirteenth Street, Franklin, PA 16323-1317.

This existing facility is located in City of Franklin, **Venango County**.

Description of Proposed Action/Activity: Application to convert mechanical aeration to fine bubble diffused aeration.

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 1506030-R	Sharon Savings Bank 3 Chester Pike Darby, PA 19023-1504	Chester	Westtown Township	Ridley Creek (HQ)
PAI01 151222	Servant of the Immaculate Heart of Mary 1140 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Unnamed Tributary Valley Creek (EV)
PAI01 151223	PA CVS Pharmacy, LLC 610 West Germantown Pike Plymouth Meeting, PA 19462	Chester	West Whiteland Township	Brandywine Creek (CWF)
PAI01 151224	Downingtown Area School District 540 Trestle Place Downingtown, PA 19335	Chester	Uwchlan Township	Shamona and East Branch Brandywine Creek (HQ-TSF-MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512005	UGI Utilities, Inc. 2121 City Line Rd. Bethlehem, PA 18017	Monroe	Coolbaugh Twp., Mt. Pocono Borough, Paradise Twp., Pocono Twp.	UNT Red Run, HQ-CWF, MF; Yankee Run, HQ-CWF, MF; Forest Hills Run, HQ-CWF, MF; UNT Forest Hills Run, HQ-CWF, MF

Pike County Conservation District: 556 Route 402, Ste. 1, Hawley, PA 18428, 570-226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025212001	Delaware Valley School District 258 Route 6 & 209 Milford, PA 18337	Pike	Westfall Twp.	Delaware River, WWF, MF; Rosetown Creek, 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>
PAI033607005(1)	Scott Kreider S&A Kreider & Sons 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run/HQ-CWF
PAI033612008	Peco Energy Company 2301 Market St. Philadelphia, PA 19103	Lancaster	Fulton Township	Puddle Duck Creek/ HQ-WWF
PAI030611019	East Penn Manufacturing PO Box 147 Lyon Station, PA 19536	Berks	Longswamp Township	Toad Creek/ HQ-CWF MF
PAI032112004	Carlisle Area School District 623 West Penn St. Carlisle, PA 17103	Cumberland	Carlisle Borough	Letort Spring Run/EV
PAI035012001	PPL Electric Utilities Corp. 2 North 9th Street Allentown, PA 18101	Perry	Oliver Township	Buffalo Creek/HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044112008	PA DCNR Little Pine State Park 4205 Little Pine Creek Rd Waterville PA 17776	Lycoming	Cummings Township	UNT to Panther Run HQ-CWF

Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044708001R	Dawn E. Quinn-Doiron 150 E 9th St Bloomsburg PA 17815	Montour	Mayberry Township	Roaring Creek HQ-CWF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050212002	George M. Davison 452 Dorseyville Road Pittsburgh, PA 15215	Allegheny	Fox Chapel Borough	Guyasuta Run (HQ-WWF)
PAI050212004	Robert Hoffman 615 Whispering Pine Dr. Pittsburgh, PA 15138	Allegheny	Fox Chapel Borough	Squaw Run (HQ-WWF)
PAI056312003	Washington Area Humane Society PO Box 66 Eighty-Four, PA 15330	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI056512007	Ligonier Township Municipal Authority Paul Knupp One Municipal Park Drive Ligonier, PA 15658	Westmoreland	Fairfield Township Ligonier Township	Loyalhanna Creek (HQ-CWF)

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

PAG-12 CAFOS

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3612521, Public Water Supply.

Applicant	New Holland Borough Authority
Municipality	New Holland Borough
County	Lancaster
Responsible Official	J Richard Fulcher, Manager 436 East Main Street New Holland, PA 17557
Type of Facility	Public Water Supply
Consulting Engineer	Mark L Homan, P.E. Becker Engineering LLC 111 Millersville Road Lancaster, PA 17603
Application Received:	7/20/2012
Description of Action	Installation of air stripping equipment for volatile organic carbon removal (VOC).

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

Application No. 5912503—Construction Public Water Supply.

Applicant	Tetra Technologies
[Township or Borough]	Richmond Township
County	Tioga
Responsible Official	Mr. Daniel Kurzejewski Property Owner Tetra Technologies 2395 South Main Street Mansfield, PA 16933
Type of Facility	Public Water Supply
Consulting Engineer	Britt Bassett, P.E. Bassett Engineering, Inc. 1440 Broad Street Montoursville, PA 17754
Application Received	August 1, 2012
Description of Action	Update the existing water supply system to increase nitrate removal.

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

Application No. 6312504, Public Water Supply.

Applicant	Clearwater Homes, LLC 1498 Evans City Road Suite 100 Evans City, PA 16033
[Township or Borough]	
Responsible Official	Michael Verona Clearwater Homes, LLC 1498 Evans City Road Suite 100 Evans City, PA 16033
Type of Facility	Bulk water hauling
Consulting Engineer	
Application Received Date	August 7, 2012
Description of Action	New bulk water hauling system.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3512505MA

Applicant	Pennsylvania-American Water
[Township or Borough]	Roaring Brook Township Lackawanna County
Responsible Official	David R. Kaufman, VP Pennsylvania-American Water Co. 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Community Water System

Consulting Engineer Scott M. Thomas, PE
 Pennsylvania-American Water
 Co.
 852 Wesely Drive
 Mechanicsburg, PA 17055
 717-691-2120

Application Received June 14, 2012
 Date

Description of Action Application for repainting the
 two (2) 2,500,000 gallon finished
 water storage tanks.

Application No. 4812502MA

Applicant **Easton Suburban Water
 Authority**

[Township or Borough] City of Easton
Northampton County

Responsible Official Bruce A. Walter
 3700 Hartley Avenue
 Easton, PA 18045

Type of Facility Community Water System

Consulting Engineer Kirt L. Ervin, PE
 US Engineering, LLC
 13742 Mary Lane
 Aviston, IL 62216

Application Received June 29, 2012
 Date

Description of Action Application for repainting and
 repair of the 1 MG Palmer water
 storage tank.

**LAND RECYCLING AND
 ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate
 Submitted under the Land Recycling and Envi-
 ronmental 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.

A. Leventhal & Sons, 711 Davis Street, Scranton City, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Notice of Intent to Remediate on behalf of his client, Jeffrey Leventhal, 125 Welsh Hill Road, Clarks Summit, PA 18411, concerning the remediation of soil found to have been impacted by No. 2 fuel oil, which was observed during the removal of an unregulated, 10,000-gallon heating oil underground storage tank. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil. The anticipated future use of the property is for non-residential purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.

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

Former Pfaltzgraff West York Facility, 1857 West King Street, York, PA 17404, West York Borough and West Manchester Township, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033, on behalf of 128 Lucky LLC, 1857 West King Street, York, 17404, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with lead from the operation of a pottery. The site will be remediated to a combination of Residential Statewide Health and Site-Specific Standards. Future use of this site is warehousing and storage.

REC Oil, 280 North East Street, York, PA 17403, City of York, **York County**. Enviro Trac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of REC-Oil, 280

North East Street, York, PA 17403 and Environmental Compliance Management, 345 King Street, Myerstown, PA 17067, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PAHs, VOCs and lead. The site will be remediated to a combination of the Nonresidential Statewide Health and Site-Specific standards. Future use of the site remains industrial.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability 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/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application No. WMGRO19SC002. Eastco Enterprises, 454 East Princess Street, P. O. Box 291, York, PA 17405-0291.

The Southcentral Regional Office, Waste Management Program received an application on May 30, 2012 for a determination of applicability (DOA) under Residual Waste General Permit No. WMGR019 for the Eastco Enterprises, Inc. located at 200 Richland Avenue in Jackson Township, **Lebanon County**. This general permit is for the processing of used foundry sand and the subsequent beneficial uses as: 1) roadway construction material; 2) a component or ingredient in the manufacturing of concrete or asphalt; 3) a soil additive or soil substitute; and 4) non-roadway construction.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 300876. GenOn Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Conemaugh Generating Station Ash/Refuse Disposal Site, 1442 Power Plant Road, State Road 2008, New Florence, PA 15944-9154. Application proposing a major permit modification for disposal of FGD Blowdown Wastewater Treatment System Solids at an Ash/Refuse Disposal Site in West Wheatfield Township, **Indiana County**, was received in the Regional Office on July 26, 2012.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

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.

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

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

09-0077A: Exelon Generation Company—Pennsylvania Power Production Plant (1414 Bordentown Rd.,

Morrisville, PA 19067) for an increase of the annual nitrogen oxide (NO_x) emission limit for their facility in Falls Township, **Bucks County**. As a result of potential emissions of NO_x, the facility will be a Title V facility. The provisions of this plan approval will subsequently be incorporated into a Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The Plan Approval will contain recordkeeping requirements and operating restrictions 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: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-009GB: Domtar Paper Co. (100 Center Street, Johnsonburg, PA 15845), for the installation of an additional pulp storage tank at their Johnsonburg Mill facility in Johnsonburg Borough, **Elk 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.

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

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

09-0219A: Premium Excavating, LLC (P. O. Box 190, Morrisville, PA 19067) for installation of a nonmetallic crushing plant (McCloskey C40 Crusher, 300 ton/hr) to process construction washout material (waste concrete) at JFI Redi-mix site, at Falls Township, **Bucks County**. This crushing plant will replace the existing unit (Extec Pit-bull Crusher, 170 ton/hr) at this location, with total estimated PM emissions of 3 tons per year. This facility is a Natural Minor (not Title-V) facility. This Plan Approval will contain all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

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

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

38-05028C: Milprint, Inc. (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042) for authorization to expand plant operations by installing two (2) rotogravure printing presses, two (2) additional regenerative thermal oxidizers (RTOs) and a wax coater. The flexible packaging facility is located in South Lebanon Township, **Lebanon 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.

Volatile organic compound (VOC) emissions from the two (2) new presses will be capped at 44 tons during any consecutive 12-month period. Overall, the VOC increase from the project will be less than 50 tons per year. The plan approval will contain additional testing, recordkeep-

ing, 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.

28-03060A: Sunset Metal Works, Inc. (100 Sunset Boulevard West, Chambersburg, PA 17202) for the construction of a surface coating operation consisting of two (2) spray paint booths at its metal fabrication facility in Chambersburg Borough, **Franklin County**.

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

Plan Approval No. 28-03060A authorizes the construction of the abovementioned sources. Particulate matter (PM) emissions from the two (2) spray paint booths will be controlled by dedicated dry panel filters. The Plan Approval and subsequent facility-wide operating permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. Estimated actual VOC, xylene and total HAP emissions from the proposed sources will be 18.9 TPY, 0.1 TPY and 0.1 TPY, respectively. Among other requirements, the plan approval will contain the following restrictions:

- (a) VOC emissions limit of 18.9 TPY for the two spray paint booths (including cleanup solvent usage);
- (b) Compliance with 25 Pa. Code § 129.52; and
- (c) Compliance with EPA's "Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings"

(CTG) published in September 2008, which includes the elected compliance option of a VOC content limit (5.06 lb VOC/gal coating solids (minus water and exempt VOC)) and specified application methods (i.e., HVLP spray guns) to achieve good transfer efficiency, as well as the following additional work practice standards:

(1) Store all VOC-containing coatings, thinners, coating-related waste materials and cleaning materials (including used shop towels) in tightly closed containers when not in use;

(2) Solvent-laden cleaning cloths shall be kept in tightly closed containers when not in use;

(3) Ensure that mixing and storage containers used for VOC-containing coatings, thinners, coating-related waste materials and cleaning materials are kept tightly closed at all times except when depositing or removing these materials;

(4) Minimize spills of VOC-containing coatings, thinners, coating-related waste materials and cleaning materials, and clean up the spills immediately with cleaning cloths or other methods that will minimize the evaporation of VOCs into the atmosphere;

(5) Convey VOC-containing coatings, thinners, coating-related waste materials and cleaning materials from one location to another in tightly closed containers or pipes; and

(6) Minimize VOC emissions from cleaning of application, storage, mixing and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent, and all spent solvent is captured in tightly closed containers

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

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

10-375A: Harmony Castings, LLC (251 Perry Highway, Harmony, PA 16037-9213), for an existing aluminum foundry in Jackson Township, **Butler County**. Sources at the site include an aluminum casting operation and a parts washer.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 10-375A to Harmony Castings LLC for an existing aluminum casting operation and parts washer. This facility located in Jackson Township, Butler County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-375A is for an existing aluminum casting operation and parts washer. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 16.58 tons per year (tpy) of volatile organic compounds, 2.86 tpy of hazardous air pollutants (methanol), 0.73 tpy of carbon monoxide (CO), 1.6 tpy of particulate matter, 0.36 tpy of nitrogen oxides and 0.007 tpy of sulfur oxides.

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

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

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

AMS 11068A: Materials Processing Corporation (10551 Decatur Road, Philadelphia, PA 19154) to increase shredding rate capacity from 5000 lbs/hr (9,350 tons per year) to 12,000 lbs/hr (10,500 tons per year) of waste electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The process will consist of a shredder with an electric motor. Shredder emissions will vent to a baghouse. Potential emissions from the facility based on the plan approval emission limits are less than 3 tons per year of Particulate Matter less than 10 microns (PM₁₀). The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

AMS 12151: Philadelphian Condominium (2401 Pennsylvania Avenue, Philadelphia, PA 19130 to install Thirteen (13) combustion units less than 8 MMBTU/hr firing either natural gas or No. 2 oil in the City of Philadelphia, **Philadelphia County**. The Facility will be limited to less than 25 tons of Nitrogen Oxides (NO_x) emissions per year. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

AMS 11068A: Materials Processing Corporation (10551 Decatur Road, Philadelphia, PA 19154) to increase shredding rate capacity from 5000 lbs/hr (9,350 tons per year) to 12,000 lbs/hr (10,500 tons per year) of waste electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The process will consist of a shredder with an electric motor. Shredder emissions will vent to a baghouse. Potential emissions from the facility based on the plan approval emission limits are less than 3 tons per year of Particulate Matter less than 10 microns (PM₁₀). The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

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

36-05149: Burle Business Park, LP (1004 New Holland Avenue, Lancaster PA 17601) for the operation of two natural gas fired boilers at the Business Park in the City of Lancaster, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. This is a renewal of the facility's State-only operating permit issued in 2007.

The subject facility has annual emissions of approximately 4.2 tons of NO_x, 3.5 tons of CO, 0.58 ton of VOCs, and 0.13 ton of PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the permit includes provisions derived from 40 CFR Part 63, Subpart ZZZZ—

National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. Thomas Hanlon, 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.

22-03051: Buse Funeral Home (9066 Jonestown Road, Grantville, PA 17028) for the operation of human crematorium in East Hanover Township, **Dauphin County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. This is a renewal of the facility's State-only operating permit issued in 2007.

The subject facility has the potential to emit NO_x at 1.1 tpy, PM at 0.8 tpy, and SO₂ at 0.2 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. Thomas Hanlon, 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.

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

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

N12-029: US Postal Service (7500 Lindberg Boulevard Philadelphia, PA 19176) for the operation of a United States Postal Service in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Three (3) Boilers less than 8 MMBTU/hr firing natural gas, One (1) Emergency generator firing diesel fuel oil, Six (6) Hot water and air heaters less than 0.5 MMBTU/hr firing natural gas, Fifty-two (52) heaters less than 100,000 BTU/hr firing natural gas.

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

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

N12-029: US Postal Service (7500 Lindberg Boulevard Philadelphia, PA 19176) for the operation of a United States Postal Service in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Three (3) Boilers less than 8 MMBTU/hr firing natural gas, One (1) Emergency generator firing diesel fuel oil, Six (6) Hot water and air heaters less than 0.5 MMBTU/hr firing natural gas, Fifty-two (52) heaters less than 100,000 BTU/hr firing natural gas.

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

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

PLAN APPROVALS

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

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

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

45-318-035: Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for their facility in Coolbaugh Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Tobyhanna Army Depot (11 Hap Arnold Blvd. Tobyhanna, PA 18466) for their facility in Coolbaugh Township, Monroe County. This Plan Approval No. 45-318-035 will be incorporated into the company's Synthetic Minor Permit #45-00004 through an administrative amendment at a later date. Plan Approval No. 45-318-035 is for the installation and operation of a new paint spray booth in building 9 with panel filters at the facility located in Coolbaugh Twp., Monroe County. The TYAD will use high volumes low-pressure (HVLP) spray system to spray the paint inside each booth manually. All paints and coatings are code-compliant with the VOC limits of § 129.52, Table I. TYAD will maintain actual VOC emissions from the facility below 49.9 TPY on a 12 month rolling sum basis. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality 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, 2 Public Square, Wilkes-Barre, PA 18711.

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 the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 45-318-035, 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 Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

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 appli-

cable 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

32061303. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Heilwood Mine in Pine, Green, and Cherryhill Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Subsidence Control Plan Acres Proposed 2529.6. No additional discharges. The application was considered administratively complete on August 1, 2012. Application received: June 11, 2012.

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

32120104 and NPDES No. PA0269107. ABM Mining Company, Inc., 3330 Johnston Road, Smicksburg, PA 16256, commencement, operation and restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 36.0 acres. Receiving stream(s): unnamed tributary to/and Rairigh Run, unnamed tributary to/and Little Mahoning Creek classified for the following use(s): cold water fishery; high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to use and maintain an existing access

road located within the 100' barrier north and upslope of the source of unnamed tributary to Rairigh Run No. 3. Application received: July 20, 2012.

11813040 and NPDES No. PA125423. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, revision of an existing bituminous surface and auger mine to change land use from forestland to pastureland or land occasionally cut for hay in Adams Township, **Cambria County**, affecting 50.0 acres. Receiving stream(s): unnamed tributaries to/and South Fork Little Conemaugh River; unnamed tributary to/and Sulfur Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: June 25, 2012.

56020103 and NPDES No. PA0249238. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 172.7 acres. Receiving stream(s): unnamed tributaries to/and Beam Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 2, 2012.

32070102 and NPDES No. PA0262331. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 183.3 acres. Receiving stream(s): unnamed tributaries to/and Toms Run to Conemaugh River and unnamed tributaries to Weirs Run to Blacklick Creek to Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 5, 2012.

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

03120102 and NPDES Permit No. PA0252212. Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201). Application for commencement, operation and reclamation of a bituminous surface mine and auger mining, located in Madison Township, **Armstrong County**, affecting 188 acres. Receiving streams: unnamed tributaries to the Allegheny River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Allegheny Power. Application received: July 23, 2012.

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

17663136 and NPDES No. PA0126870. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Revision of an existing bituminous surface mine for a change in land use from forestland to pastureland in Graham Township, **Clearfield County** affecting 202 acres. Receiving streams: Mons Run and Flat Run classified as the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 16, 2012.

17990102 and NPDES No. PA0238236. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Revision of an existing bituminous surface and auger mining operation to add coal refuse disposal located in Decatur Township, **Clearfield County** affecting 344.2 acres. Receiving stream: Laurel Run classified as the following use: Cold Water Fishes. There are no potable

water supply intakes within 10 miles downstream. Application received: July 18, 2012.

17930128 and NPDES No. PA0219720. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Revision to an existing bituminous surface and auger mine in Penn Township, **Clearfield County**, affecting 106.2 acres. Receiving stream: Unnamed Tributaries to Bell Run and Bell Run, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2012.

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

54921301R4 and PA0595811. M & H Coal Company, (51 Middle Road, Hegins, PA 17938), renewal for reclamation activities only in Frailey Township, **Schuylkill County** affecting 12.46 acres, receiving streams: Middle Creek and unnamed tributaries to Middle Creek. Application received: July 24, 2012.

Noncoal Applications Received

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

31120801. Robert B. Colton, 11368 Old Town Road, Huntingdon, PA 16652, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Miller Township, **Huntingdon County**, affecting 4.3 acres. Receiving stream(s): unnamed tributaries to Standing Stone Creek. Application received: July 23, 2012.

11950301. Tube City IMS LLC, 1155 Business Center Drive, Horsham, PA 19044, revision of an existing bituminous surface mine to change the name from Waylite Division, International Mill Service, Inc. to Tube City IMS LLC and also to change land use from unmanaged natural habitat to industrial in East Taylor and Conemaugh Townships, **Cambria County**, affecting 212.4 acres. Receiving stream(s): Little Conemaugh River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 13, 2012.

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

26122801. Fayette Coal & Coke, Inc. (195 Enterprise Lane, Connellsville, PA 15425). Application for commencement, operation and reclamation of small noncoal surface mine, located in Bullskin Township, **Fayette County**, affecting 5 acres. Receiving streams: unnamed tributary to Mounts Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 17, 2012.

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

08090303 and NPDES No. PA0257192. DeCristo, Inc. (RR 1, Box 1600, Canton, PA 17724). Revision of an existing shale and sand and gravel operation for proposed modification adding 11.9 acres affecting from 59.6 to 71.5 acres in LeRoy Township, **Bradford County**. Receiving streams: Unnamed Tributary to Towanda Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 23, 2012.

08120304. Insinger Excavating, Inc. (3046 Dushore-Overton Road, Dushore, PA 18614). Commencement, operation and restoration of a large non-coal surface mine (topsoil, shale, and bluestone) located in Windham Township, **Bradford County** affecting 39.2 acres. Receiving streams: Unnamed Tributary to Wappasening Creek to Wappasening Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 23, 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 accord-

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

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

Effluent Limits for Noncoal Mining Activities

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge

limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin*

and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0213331 (Mining permit no. 32960103), Forcey Coal Company, 475 Banion Road, Madera, PA 16662, renewal of an NPDES permit for surface mining activities in Green and Grant Townships, **Indiana County**, affecting 329.7 acres. Receiving stream(s): unnamed tributaries to Little Mahoning Creek, unnamed tributaries to East Run to Little Mahoning Creek, and unnamed tributaries to North Branch of Two Lick Creek, classified for the following use(s): high quality cold water fishery, high quality cold water fishery and cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh River Watersheds TMDL. Application received: May 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 outfall(s) listed below discharge to unnamed tributary to Little Mahoning Creek and unnamed tributary to East Run.

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

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)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.0	2.0	2.5
Total Suspended Solids (mg/l)	35.0	2000.0	70.0
Total Dissolved Solids (mg/l)	4000.0	90.0	5000.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall listed below discharge to unnamed tributary to North Branch Two Lick Creek

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

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)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
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 outfall listed below discharge to unnamed tributary to Little Mahoning Creek, unnamed tributary to East Run, and unnamed tributary to North Branch Two Lick Creek:

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

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N
007	N

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)			7.0
Total Settleable Solids (ml/l)			0.5
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

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

NPDES No. PA0612235 (Mining permit no. 4975SM3), Glen-Gery Corporation, P. O. Box 7001, Wyomissing, PA 19610, renewal of an NPDES permit for shale quarry operation in Hamilton Township, **Adams County**, affecting 93.6 acres. Receiving stream(s): Muncy Run, classified for the following use(s): warm water fishery. Application received: May 7, 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 noncoal mining activities.

The outfall(s) listed below discharge to Muncy Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should

contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-832. Thomas J. Yuhas, Borough of Downingtown, 4 West Lancaster Avenue, Downing, PA 19335-2800, Borough of Downingtown, **Chester County**, ACOE Philadelphia District.

To modify, and maintain the existing recreational facility to include a skate Park in the floodway of the East Branch Brandywine Creek (WWF-MF).

The site is located in the Kerr Park approximately 250 feet southwest of the intersection of Wallace Avenue and Pennsylvania Avenue (Downingtown, PA, USGS Quadrangle N: 1.48 inches; W: 11.35 inches) in Borough of Downingtown, Chester County.

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

E48-418. Monocacy Heights, L.P., 4383 Hecktown Road, Suite J, Bethlehem, PA 18020, in Plainfield Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall in the floodway of Little Bushkill Creek (HQ-CWF, MF) consisting of 36-inch diameter HDPE pipe, concrete inlet box outlet structure, and an R-4 riprap lined outfall channel. The outfall is associated with the Mintbrook Farms Residential Development. The project is located on the south side of Jones Hill Road approximately 0.15 mile west of its intersection with Bookshill Road (Wind Gap, PA Quadrangle Latitude: 40° 48' 0.3"; Longitude: -75° 15' 58.6") in Plainfield Township, Northampton County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E05-364: Bedford County Development Association, Bedford County Business Park II, Lot 4, One Corporate Drive, Bedford, Pennsylvania 15522, in Bedford Township, **Bedford County**, ACOE Baltimore District (Bedford, PA Quadrangle; Latitude: 40°04'10.6", Longitude: -78°31'36").

To: 1) construct and maintain a 24.0-inch diameter 987.0 feet Smooth Lined Corrugated Plastic Pipe stream enclosure of an Unnamed Tributary to Dunning's Creek, which is an intermittent stream classified as a Warm Water Fishery, 2) place and maintain R-4 riprap for scour protection 22.0 feet wide x 16.0 feet long, 3) place and maintain fill on both left and right floodways with an average dimension of 100.0 feet wide x 987.0 feet long x 30.0 feet high, 4) permanently fill two wetland areas: 0.003 acre of PEM and 0.007 acre of PFO as a result of fill, and 5) construct 0.05 acre of PEM/PFO wetland as compensation for wetland impacts for the purpose of constructing a 65.0-acre business park. The project proposes to directly affect a total of 987.0 linear feet of stream channel, 2.27 acres of floodway, and 0.01 acre of wetland. Wetland creation of 0.05 acre is proposed.

E06-683: Pa. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, Pennsylvania 18101, **Berks County**, ACOE Philadelphia District

To: 1) remove the existing structure, 2) construct and maintain a prestressed concrete spread box beam bridge approximately 45.0 feet upstream having a clear span of 270.0 feet, underclearance of 16.2 feet, an out to out width of 37.46 feet, and a skew of 90°, over the Schuylkill River (WWF, MF) (Temple PA Quadrangle; N: 17.0 inches, W: 13.5 inches; Latitude: 40°28'22", Longitude: -75°58'17"), 3) place and maintain 1,000.0 cubic yards of fill material in the left and right floodplain of the Schuylkill River, 4) temporarily impact 0.018 acre of PEM wetland, 5) permanently impact 0.012 acre of PEM wetland, and 6) construct a temporary causeway for the demolition and construction in six different phases, all for the purpose of improving transportation safety and roadway standards.

E22-577: Swatara Township Board of Commissioners, 595 Eisenhower Boulevard, Harrisburg, PA 17111. McNaughton & Shiavoni Park in Swatara Township, **Dauphin County**, ACOE Baltimore District (Hershey, PA Quadrangle; Latitude: 40°15'47", Longitude: -76°43'38")

The applicant proposes to 1) remove and maintain 44,585 cubic yards of fill in the floodway and floodplain of Swatara Creek (WWF) (Latitude: 40°15'47", Longitude:

-76°43'38"), 2) place and maintain 1,000 cubic yards of fill in the floodway and floodplain of Swatara Creek (WWF) (Latitude: 40°15'47", Longitude: -76°43'38"), 3) construct and maintain a boat launch ramp 25-feet by 25-feet in Swatara Creek (WWF) (Latitude: 40°15'46.8", Longitude: -76°43'34.4"), 4) construct and maintain a stormwater swale outfall (Latitude: 40°5'14", Longitude: -76°44'11.5"), 5) construct and maintain a 15.0-inch diameter HDPE stormwater outfall (Latitude: 40°15'16.9", Longitude: -76°44'7.5"), 6) construct and maintain a stormwater swale outfall (Latitude: 40°15'28.4", Longitude: -76°43'56.8"), 7) construct and maintain a stormwater swale outfall (Latitude: 40°15'30.9", Longitude: -76°43'55.1"), 8) construct and maintain a 36.0-inch diameter HDPE stormwater outfall (Latitude: 40°15'30.1", Longitude: -76°43'54.7"), 9) construct and maintain an 18.0-inch diameter HDPE stormwater outfall (Latitude: 40°15'30.5", Longitude: -76°43'54.3"), 10) construct and maintain a 15.0-inch diameter HDPE stormwater outfall (Latitude: 40°15'53", Longitude: -76°43'38.9"), and 11) extend and maintain an existing 24.0-inch SLCPP stormwater outfall (Latitude: 40°15'29.6, Longitude: -76°43'50.5") all in the floodway of Swatara Creek which is a perennial stream classified as a Warm Water Fishery in Swatara Township, Dauphin County. The project proposes to directly affect 20.1 acres of floodway and floodplain and 25 linear feet of stream.

E36-901: Martin Murray, Yarrum, LP, 5020 Ritter Road, Mechanicsburg, Pennsylvania 17055, in West Donegal Township, **Lancaster County**, ACOE Baltimore District

To: 1) construct and maintain a 12.0-inch depressed, 35.0-foot long, 23.0-foot wide, 6.0-foot high concrete box culvert with fish baffles in an unnamed tributary to Conewago Creek (TSF), permanently impacting 0.10 acre of palustrine forested/scrub shrub/emergent wetland and temporarily impacting 0.01 acre of palustrine forested/scrub shrub/emergent; 2) place and maintain fill in palustrine emergent/forested wetlands, permanently impacting 0.24 acre of wetland, 3) place and maintain 10.0 cubic yards of fill in the floodway of an unnamed tributary to Conewago Creek (TSF), all for the purpose of allowing for the construction of two warehouse distribution facilities; 4) place and maintain fill in 0.01 acre of palustrine forested wetland for the purpose of creating a wetland mitigation area. The project is located along Industrial Road, approximately 0.28 mile west of its intersection with S.R. 230 (Latitude: 40°09'41.3"N, Longitude -76°38'50"W) in West Donegal Township, Lancaster County. The applicant is required to provide 0.35 acre of replacement wetland and proposes to create 0.49 acre of replacement wetland onsite.

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

E14-548. Paul S. Roberts, PO Box 37, Julian, PA 16844-0037. Steele Hollow Bridge, in Huston Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 40°51'23.26"; W: -78°01'21.48").

To 1) remove an existing 30 linear feet of concrete ford, 2) construct and maintain a 80-foot by 65-foot pond with no berm 40 feet right of the right streambank, 3) construct and maintain a 16-foot clear span by 12-foot wide by 2-foot underclearance glulam wooded bridge on concrete abutments with associated 1 foot high stone approach ramps to cross Steele Hollow Run to access a private homestead located 1.9 miles up Steele Hollow

Road from SR 220. This project will directly impact 40 linear feet of Steel Hollow Run, which is a Wild Trout - Cold Water Fishery.

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

E02-358. PennDOT District 10-0. 2550 Oakland Ave. PO Box 429 Indiana, PA 15701, Kittanning & Manor Townships, **Armstrong County**; ACOE Pittsburgh District.

Applicant is proposing to remove the existing SR 422, 18 inch to 36 inch diameter culvert having a total length of 185 feet; construct and maintain a replacement 54 inch diameter 260 foot long RCP culvert depressed 6 inches in an unnamed tributary to Rupp Run (WWF) with a drainage area of 0.12 square mile; fill and maintain a total of 0.016 acre of permanent PEM wetland; and construct and maintain road associated stormwater outfalls. Stream mitigation will be completed at the site. This project is associated with Theatre Road, SR 422 improvement work with these encroachments located approximately 3.5 miles east of Ford City in Kittanning and Manor Townships, Armstrong County (Mosgrove PA Quadrangle, North 7.3 inches and West 11.4 inches; Latitude 40° 47' 26" and Longitude -79° 27' 26").

E63-639. Southpointe Retail North, LP, 375 Southpointe Boulevard, Canonsburg, PA 15317, Cecil Township, **Washington County**; ACOE Pittsburgh District

The applicant proposes to construct and maintain a 48-inch diameter stream enclosure approximately 561.2 feet in length in an Unnamed Tributary to Chartiers Creek (WWF) and to place and maintain fill in approximately 0.01 acre of wetlands associated with said stream for the purpose of expanding the existing building and parking lot in the Southpointe II development. The project is located on the west side of Southpointe Boulevard, approximately 1,450.0 feet north from the intersection of Southpointe Boulevard and Town Center Way (Canonsburg, PA Quadrangle 4.6 inches; W: 5.2 inches; Latitude: 40°-16'- 32"; Longitude: 80°-09'-43") in Cecil Township, Washington County and will impact approximately 636.0 linear feet of stream channel and 0.01 acre of wetlands. (Wetland Mitigation Coordinates: 40°16'47.271" N, 80°9'52.783" W; Stream Mitigation Coordinates: 40°12'0.701"N, 80°11'53.924"W)

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

E10-477, Butler County, 124 West Diamond Street, PO Box 1208, Butler, PA 16003. Powell Rd (T-301) Graham Bridge across Brush Creek, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40°, 43', 3"; W: 80°, 8', 28").

To remove the existing single span steel stringer bridge and to construct and maintain a single span prestressed concrete I-beam bridge having a 39.5-foot out to out width with a normal clear span of 81.2 feet and an underclearance of 12.2 feet across Brush Creek (WWF) along Powell Rd (T-301) just south of its overpass of I-76 PA Turnpike in Cranberry Township, Butler County. Project also includes the reconstruction of the roadway approaches to the structure.

E43-356, City of Hermitage, 800 North Hermitage Road, Hermitage, PA 16148. Indian Run Phase 4 Stream Restoration, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41°, 13', 49.7"; W: -80°, 26', 26");).

The applicant proposes to construct and maintain approximately 1500 feet of stream restoration within West Branch Pine Hollow Run (Indian Run) (WWF) for the purposes of streambank stabilization, establishment of floodplains, prevention of bank scour, debris removal, and establishment of a thalweg. The proposed stream restoration consists of the installation of cross vanes, sawtooth deflector, boulder wall, rock and wood bank protection, and converging rock cluster beginning at the Sunset Boulevard crossing and ending approximately 200 feet upstream of the Easton Road crossing. Three phases of restoration to West Branch Pine Hollow Run (Indian Run) have been previously permitted by the Department.

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

E4129-048: Anadarko Marcellus Midstream LLC, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6 inch gas lines, two 6 inch water lines, one 12 inch water line, electric/fiber optic line, and a timber mat crossing impacting 62 linear feet of Buck Run (HQ-CWF, MF) and 2,834 square feet of adjacent palustrine emergent (PEM) wetland (White Pine, PA Quadrangle 41°25' 51"N 77°11'17"W).

The project will result in 62 linear feet of temporary stream impacts and 0.07 acre of temporary wetland impacts all for the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcellus well development.

E4129-045: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Anthony & Mifflin Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 8 inch natural gas pipeline impacting 2 linear feet of an unnamed tributary to Larrys Creek (EV, MF) and 17 square feet of adjacent palustrine forested (PFO) wetland (Salladasburg Quadrangle 41°18'50"N 77°11' 45"W);

(2) one 8 inch natural gas pipeline impacting 60 linear feet of Larrys Creek (EV, MF) (Salladasburg Quadrangle 41°18'51"N 77°11'42"W);

(3) one 8 inch natural gas pipeline impacting 5 linear feet of an unnamed tributary to Larrys Creek (EV, MF) (Salladasburg Quadrangle 41°18'49"N 77°11'39"W);

(4) one 8 inch natural gas pipeline and a temporary mat bridge impacting 10822 square feet of palustrine emergent (PEM) wetland (Salladasburg Quadrangle 41°19'02"N 77°10'35"W).

The project will result in 67 linear feet of stream impacts and 0.25 acre of wetland impacts, all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E4129-049: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, McIntyre Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 24 inch culverts impacting 35 linear feet of an unnamed tributary to Red Run (CWF,MF) and 2,122 square feet of adjacent palustrine forested (PFO) wetland (Ralston, PA Quadrangle 41°32'25"N 76°58'11"W).

The project will result in 35 linear feet of stream impacts and 0.05 acre of wetland impacts all for the purpose of providing access to a Marcellus Shale well pad.

E4129-046 EXCO Resources (PA), LLC, 3000 Ericson Drive, Suite 200, Warrendale, PA 15086, Watson Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

1) a surface water withdrawal impacting 247 square feet of Pine Creek (EV) (Jersey Shore Quadrangle 41°14'57"N 77°19'28"W). The proposed withdrawal will include an intake screen buried to be level with the stream bed.

The project will result in 16 linear square feet of stream impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

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

Southcentral Region: Clean 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 ?
PAS803506 (SW)	Daily Express, Inc. 1072 Harrisburg Pike Carlisle, PA 17013	Cumberland County Middlesex Township	UNT to Letort Spring Run (7-B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0111431	Knoebels Grove Park 391 Knoebels Blvd. RR 1 Box 317 Elysburg, PA 17824-0317	Columbia County, Cleveland Township	Mugser and S. Branch Roaring Creek, 5E	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0218715 Sewage	Gardas Restaurant 2033 State Route 66 Ford City, PA 16226	Armstrong County Manor Township	Crooked Creek Y	
PA0205681 Sewage	SCI Somerset Somerset, PA 15501-0247	Somerset County Black Township	Laurel Run	Y
PA0217654 Sewage	Sugar Run STP PO Box 494 Seward, PA 15954-0494	Westmoreland County St. Clair Township	Conemaugh River Y	

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

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

NPDES Permit No. PA0065382, SIC Code 4941, **PA American Water**, 100 Pennsylvania Avenue, Wilkes-Barre, PA 18701.

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

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for a discharge associated with the application of pesticides in Jackson Township, Luzerne County.

NPDES Permit No. PA0065374, SIC Code 0782, **PA American Water**, 100 North Pennsylvania Avenue, Wilkes-Barre, PA 18701-1397.

This proposed facility is located in Spring Brook Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a discharge associated with the application of pesticides in Nesbitt Reservoir, Spring Brook Township, Monroe County.

NPDES Permit No. PA0065340, Pesticide, SIC Code 0782, **Stillwater Estates POA**, HC 89, Box 85, Pocono Summit, PA 18346.

This proposed facility is located in Tobyhanna and Coolbaugh Townships, **Monroe County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for pesticide application to Stillwater Lake.

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. 1512408, Sewage, **East Vincent Township**, 262 Ridge Road, Spring City, PA 19475.

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

Description of Action/Activity: Construction and operation of a new 0.25 mgd wastewater treatment plant to replace an existing wastewater treatment plant.

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: Replacing an existing sludge dewatering press with a new sludge centrifuge.

WQM Permit No. 0999427, Sewage, **Amendment, Chalfont New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666.

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

Description of Action/Activity: Modifications to increase plant annual flow capacity from 4.0 mgd to 4.625 mgd.

WQM Permit No. 1512402, 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 Berwyn Pump Station.

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

WQM Permit No. 2012201, Industrial Waste, **Bortnick Dairy, LLC**, 21820 Palmer Road, Conneautville, PA 16406.

This existing facility is located in Beaver Township, **Crawford County**.

Description of Proposed Action/Activity: This permit approves the construction/modification/operation of CAFO wastewater facilities.

WQM Permit No. WQG018844, Sewage, **Chad M. Breindel**, 982 Mercer Grove City Road, Mercer PA 16137.

This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage 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>
PAI01 091010	Scott McGill 4450 McNeal Road Doylestown, PA 18901	Bucks	Plumstead Township	Unnamed Tributary Paunacussing Creek (HQ)
PAI01 4607003-R	Realen Valley Forge Greens Associates 1000 Chesterbrook Boulevard Berwyn, PA 19312	Montgomery	Upper Merion Township	Trout Creek (WWF)

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>
PAI040009009(2)	Northeastern ITS, LLC 800 Woodlands Parkway, Suite 118 Ridgeland, MS 39157	Columbia Northumberland Lehigh	Conyngham Township Mount Carmel Township Catasauqua Borough, Hanover Township, City of Allentown, City of Bethlehem	Tributary to Mahanoy Creek (CWF, MF) Tributary to Mahanoy Creek (CWF, MF) Lehigh River (WWF, MF) Lehigh Canal (CWF, MF) Tributary to Lehigh River (CWF, MF) Tributary to Lehigh River (CWF, MF) Tributary to Lehigh River (CWF, MF) Tributary to Lehigh River (CWF, MF) Tributary to Lehigh River (CWF, MF) Tributary to Lehigh River (CWF, MF) Tributary to Lehigh River (CWF, MF) Catasauqua Creek (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
				Wabash Creek (CWF, MF)
				Trib. to Wabash Creek (CWF, MF)
				Trib. to Little Schuylkill River (CWF, MF)
				Little Schuylkill River (CWF, MF)
				Little Schuylkill River (CWF, MF)
				Little Schuylkill River (CWF, MF)
				Little Schuylkill River (CWF, MF)
				Trib. to Little Schuylkill River (CWF, MF)
				Pine Creek (CWF, MF)
				Pine Creek (CWF, MF)
				Trib. to Pine Creek (CWF, MF)
				Trib. to Pine Creek (CWF, MF)
				Trib. to Pine Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Trib. to Hosensock Creek (CWF, MF)
				Mahanoy Creek (WWF, MF)
				Trib. to Mahanoy Creek (CWF, MF)
				Mahanoy Creek (WWF, MF)
				North Mahanoy Creek (CWF, MF)
				Mahanoy Creek (WWF, MF)
				Trib. to Mahanoy Creek (CWF, MF)
				Trib. to Mahanoy Creek (CWF, MF)
				Trib. to Mahanoy Creek (CWF, MF)
				Mahanoy Creek (WWF, MF)
				Mahanoy Creek (WWF, MF)
				Mahanoy Creek (WWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
				Trib. to Mahanoy Creek (CWF, MF) Trib. to Mahanoy Creek (CWF, MF) Mahanoy Creek (WWF, MF) Mahanoy Creek (WWF, MF)
PAI021308003(1)	PA Turnpike Commission P. O. Box 67676 Harrisburg, Pa 17105	Carbon	Penn Forest Twp.	Stony Creek, EV, MF Panther Creek, HQ-CWF, MF
PAI021311002	PA Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Carbon	Penn Forest Twp.	Carpsoocus Creek, HQ-CWF, MF
PAI023911022	James N. Gentile 7562 Penn Drive Allentown, PA 18106	Lehigh	Weisenberg Twp.	Iron Run, HQ-CWF, MF
PAI024510010	Robert L. Weseloh Seven Bridge Road RR #5, Box 5942 East Stroudsburg, PA 18301	Monroe	Hamilton Twp.	UNT to Appenzell Creek, HQ-CWF, MF
PAI024812008	Palmer Township P. O. Box 3039 Palmer, PA 18043	Northampton	Palmer Twp.	Bushkill Creek, HQ-CWF, MF
PAI026412003	Aqua Pennsylvania, Inc. 1775 North Main St. Honesdale, PA 18431	Wayne	Honesdale Borough	Dyberry Creek, HQ-CWF, MF
PAI024805025R	Fretz Simonds Partnership 188 Jefferson St. Emmaus, PA 18049	Northampton	City of Bethlehem	Saucon Creek, HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041412005	Centre Regional Council of Governments 2643 Gateway Dr Ste 1 State College PA 16801	Centre	College Township	Spring Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050312002	Kittanning Suburban Joint Water Authority 710 Tarrtown Road Adrian, PA 16210	Armstrong	North Buffalo and East Franklin Townships	Glade Run and UNTS (TSF), Pine Run and UNTS (HQ-TSF), Long Run (HQ-TSF), Marrowbone Run and UNTS (WWF) and UNTS to Allegheny River (WWF)
PAI052612003	First Energy Corp. 311 South 7th Street Connellsville, PA 15475	Fayette	City of Connellsville	Youghiogheny River (HQ-CWF)
PAI056511005	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier PA 15658 724-238-7464	Westmoreland	Ligonier Township	Laughlintown Run and Naugle Run (HQ-CWF)

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

Elk County Conservation District, Elk Courthouse Annex, 300 Center Street, Ridgway PA 15853

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI062411002	Brockway Borough Municipal Auth 503 Main Street Brockway Pa 15824	Elk	Horton Township	Whetstone Creek HQ;CWF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 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:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Plumstead Township Bucks County	PAG0200 0909027-R	Stanton Properties, LLC 339 Amwell Road, Building C Hillsborough, NJ 08844	Geedes Run (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAG0200 0912021	Hidden Ponds Associates, LP 1574 Easton Road Warrington, PA 18976	Beaver Run/Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0909093	PA Department of General Services 18th and Herr Streets Harrisburg, PA 19125	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

5403

<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>
East Vincent Township Chester County	PAG0200 1512018	East Vincent Township 262 Ridge Road Spring City, PA 19475	Unnamed Tributary Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tinicum Township Delaware County	PAG0200 2310013-R	The Four Individuals 716 Industrial Highway Essington, PA 19029	Unnamed Tributary Darby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG0200 2312013	Master Locators 2426 East Helms Manor Boothwyn, PA 19061	West Branch Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Clifton Heights Borough Delaware County	PAG0200 2312015	Rabena Bros, Inc. 41 Ruthland Avenue Malvern, PA 19355	Darby Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Chichester Township Delaware County	PAG0200 2312012	Thomas R. Amos Family, LP 2000 Concord Road Chester, PA 19013	Marcus Hook Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAG0200 4612042	Paul Leonard 801 Loch Alsh Avenue Fort Washington, PA 19034	Rapp Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG0200 4606043-R	Robert Cavett PO Box 4, 770 Sumneytown Pk West Point, PA 19486	Unnamed Tributary Towamencin Creek (TSF0)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4611053	Chris Anderson 636 Old York Road Jenkintown, PA 19046	Crow Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAG0200 4610004	Scott Williams 159 North State Street Newtown, PA 18940	Wissahickon Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Towamencin Township Montgomery County	PAG0200 4612025	Robert A. Ford PO Box 303 1675 Sumneytown Pike Kulpsville, PA 19443	Perkiomen 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>	
Limerick Township Montgomery County	PAG0200 4608132-1R	John Ohler 2589 Sibel Circle Lansdale, PA 19446	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900	
Whitemarsh Township Montgomery County	PAG0200 4611034	Tim Mussle 415 W Willow Grove Avenue Philadelphia, PA 19118	Lorraine Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900	
City of Philadelphia Philadelphia County	PAG0201 511203	Corporation of Presiding Bishopric of the Church of Jesus Christ of Latter-Day Saints 50 East North Temple Street Salt Lake City, UT 84150	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900	
City of Philadelphia Philadelphia County	PAG0201 511210	Waste Management 448 Lincoln Highway Fairless Hills, PA 19030	Delaware Direct Watershed (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900	
Upper Mount Bethel Twp., Northampton Co.	PAG02004810008R	Samuel M. D'Alessandro 112 North Courtland St. East Stroudsburg, PA 18301	Unnamed Tributary to the Delaware River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971	
Whitehall Twp., Lehigh Co.	PAG02003909003R	Alfred Picca PennDOT Dist.5-0 1002 Hamilton Blvd. Allentown, PA 18101	Unnamed Tributary to Coplay Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583	
City of Scranton, Lackawanna Co.	PAG02003512007	Jack Muschlitz Muschlitz Excavating 615 Moorestown Rd. Bath, PA 18014	Senior Health Care Solutions 401 Moltke Ave. Suite 100 Scranton, PA 18505	Unnamed Tributary to Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Bridgewater Twp., Susquehanna Co.	PAG02005812005	Penelec 405 West Plank Rd. Altoona, Pa 16603	Snake Creek, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600	

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>
Reading Township Adams County	PAG02000105014R(1)	Phil Garland Lexington Land Developers Corp. 336 West King Street Lancaster, PA 17603	UNT to Conewago Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

NOTICES

5405

<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>
Bedford and East Saint Clair Twps. Bedford County	PAG02000512005	Amy Placek Pennsylvania Electric Company 76 South Main Street Akron, OH 44308-1890	Oppenheimer/ WWF, UNT to Oppenheimer/ WWF, UNT to Dunning Creek and Dunning Creek/WWF, and Brush Creek/WWF	Bedford Co. Conservation Dist. 702 West Pitt Street Bedford, PA 15522 814.623.7900
Juniata Township Bedford County	PAG02000510005R	Wayne Fochtman 155 Pallet Drive Berlin, PA 15530	Raystown Branch of Juniata River/ TSF	Bedford Co. Conservation Dist. 702 West Pitt Street Bedford, PA 15522 814.623.7900
Pavia Township Bedford County	PAG02000512006	Charles Daus 288 Ickes Heights Road Imler, PA 16655	Bobs Creek/CWF, MF	Bedford Co. Conservation Dist. 702 West Pitt Street Bedford, PA 15522 814.623.79004
Bern Township Berks County	PAG02000612016	Ryan Hunter County of Berks 633 Court Street Reading, PA 19601	UNT to Plum Creek/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

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

<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>
Ferguson Township Centre County	PAG02001410014R(1)	Dave Palmer S&A Homes Inc 2121 Old Gatesburg Rd Ste 200 State College PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Spring Township Centre County	PAG02001412006	Marc Messenger Graymont Inc 194 Match Factory Pl Bellefonte PA 16823	Buffalo Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Anthony Township Montour County	PAG02004712004	Ananias Hershberger 310 PPL Rd Danville PA 17821	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 (570) 271-1140

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

Facility Location:

Municipality & County

Permit No.

Applicant Name and Address

Receiving Water/Use

Contact Office and Phone No.

Moon Township
Allegheny County

PAG02000212031

Perry Roofner
Robert Morris University
300 Grant Drive
Corapolis, PA 15108

Narrows Run
(WWF)

Allegheny County
CD
Lexington
Technology Park
Building 1
Suite 102
400 North Lexington
Ave
Pittsburgh, PA
15208
(412) 241-7645

North Fayette
Township
Collier Township
Allegheny County

PAG02000212033

Greg Nance
Pittsburgh Botanical Garden
850 Poplar St.
Pittsburgh, PA 15220

Cedar Run (Deer
Creek) (CWF)

Allegheny County
CD
Lexington
Technology Park
Building 1
Suite 102
400 North Lexington
Ave
Pittsburgh, PA
15208
(412) 241-7645

Sewickley Borough
Allegheny County

PAG02000210060R

Joseph A Marrone
Quaker Valley School District
100 Leetsdale Industrial Park
Suite B
Leetsdale, PA 15056

Ohio River (WWF)

Allegheny County
CD
Lexington
Technology Park
Building 1
Suite 102
400 North Lexington
Ave
Pittsburgh, PA
15208
(412) 241-7645

North Fayette
Township
Allegheny County

PAG02000207045R

Robert Grimm
North Fayette Township
400 Branch Road
Oakdale, PA 15071

UNT to Half Crown
Run (WWF)

Allegheny County
CD
Lexington
Technology Park
Building 1
Suite 102
400 North Lexington
Ave
Pittsburgh, PA
15208
(412) 241-7645

Marshall Township
Allegheny County

PAG02000212043

James C. Rumbaugh
Eighty-Four Associates, LP
722 Pine Valley Drive
Pittsburgh, PA 15239

UNT to Brush
Creek (WWF)

Allegheny County
CD
Lexington
Technology Park
Building 1
Suite 102
400 North Lexington
Ave
Pittsburgh, PA
15208
(412) 241-7645

NOTICES

5407

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Town of McCandless Allegheny County	PAG02000212028	Gary Herbert Duncan Avenue Associates, LP PO Box 297 Wexford, PA 15090	Pine Creek and Little Pine Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
City of Pittsburgh Allegheny County	PAG02000212040	Victor Rodriguez A.M. Rodriguez & Associates 600 River Avenue Suite 207 Pittsburgh, PA 15212	Sawmill Run/ Chartiers Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Ohio Township Allegheny County	PAG02000212020	Brad Waters Avonworth School District 258 Joseph's Lane Pittsburgh, PA 15237	Ohio River (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
New Sewickley Township Beaver County	PAG02000412012	Ken Slippey PA Turnpike Commission 700 South Eisenhower Blvd. Middletown, PA 17057	UNT to Brush Creek (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Barr Township Cambria County	PAG02001112011	Barry Legars Northern Cambria AYSO Region 1557 820 3rd Ave Hastings, PA 16646	West Branch of Susquehanna River (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Jackson Township Greene County	PAG02003011003	Consolidation Coal Company 1 Bridge St Monongahela, WV 26554	UNT Toms Run (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Jefferson Township Greene County	PAG02003011009	GBT Realty Corporation 201 Summit View Drive Brentwood, TN 37027	Pumpkin Run (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Glen Campbell Borough Indiana County	PAG02003211001	Glen Campbell Borough PO Box 43 Glen Campbell, PA 15742	Cush Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Burrell Township Indiana County	PAG02003211013	Sheetz Inc. 5700 Sixth Avenue Altoona, PA 16602	UNT to Blacklick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Center Township Indiana County	PAG02003212009	EME Homer City Generation, LP 1750 Power Plant Road Homer City, PA 15748	UNT to Two Lick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Elk Lick Township Somerset County	PAG02005612005	ITI Trailers & Truck Bodies, Inc. PO Box 56 Meyersdale, PA 15552	UNT to Casselman River (WWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4352
California Borough Washington County	PAG02006312004	US Corrugated Rich Lott 400 Technology Drive Coal Center, PA 15423	Pike Run (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006312033	South Hills Honda Greg Norton 3663 Washington Road McMurray, PA 15317	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006307036R	Great Meadows, LP 40 Lintel Drive McMurray, PA 15317	Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Hempfield Township Westmoreland County	PAG02006510010R	The Hempfield Township Municipal Authority 1146 Woodward Drive Greensburg, PA 15601	UNT to Little Sewickley Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Loyalhanna Township Westmoreland County	PAG02006511001	James Panaro Robindale Energy Services, Inc 224 Grange Hall Road PO Box 288 Armagh, PA 15920	Loyalhanna Creek (WWF) & Getty Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township Westmoreland County	PAG02006511017	Swank Associated Companies, Inc Chad Basinger 632 Hunt Valley Road New Kensington, PA 15068	Jacobs Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Hempfield Township Westmoreland County	PAG02006511018	Daniel Painter Adam Eidemiller, Inc 56 Sheraton Drive Suite 100 Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township Westmoreland County	PAG02006512020	Lincoln Hills Associates, LP Robert Shuster 8958 Hill Drive North Huntingdon, PA 15642	UNT to Tinkers Run (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Millcreek Township Erie County	PAG02002512009	Millcreek Township 3608 West 26th Street Erie PA 16506-2037	Walnut Creek / Lake Erie CWF; MF	Erie County Conservation District 814-825-6403
Slippery Rock Township Lawrence County	PAG02003707004R(1)	ALLFAB Manufacturing Attn: Mr. Ralph Pisano 1602 Old Princeton Rd New Castle PA 16101	UNT Big Run WWF	Lawrence County Conservation District 724-652-4512
Union Township Lawrence County	PAG02003707006R(1)	Lawrence Crossing LLC Attn Mr. Leo Golba 136 Abbey Road New Castle PA 16105	UNTs Mahoning River WWF	Lawrence County Conservation District 724-652-4512
Pine Township Mercer County	PAG02004312005	Pine Township c/o George Hagstrom 545 Barkeyville Rd Grove City PA 16127	Barmore Run WWF	Mercer County Conservation District 724-662-2242

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
Pottstown Borough Montgomery County	PAR110043	Dana Driveshaft Products LLC 1040 Center Avenue Pottstown, PA 19440	Schuylkill River-3D	Southeast Region Clean Water Program 484.250.5970
Lansdale Borough Montgomery County	PAR600043	Joe Mattero Recycling 316 West 7th Street Lansdale, PA 19446	UNT to West Branch Neshaminy Creek—2F	Southeast Region Clean Water Program 484.250.5970
Berwick Borough Columbia County	PAR234816	Consolidated Container Co. LP 910 Seventh Avenue Berwick, PA 18603	East Branch Briar Creek—5-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Monroe Township Bradford County	PAR604828	Lampheres Salvage 407 Dunn Hill Road Monroeton, PA 18832	Unnamed Tributary to French Run—4-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
Lawrence Township Clearfield County	PAR314827	Nabors Drilling USA Inc. 143 Cresswood Drive Clearfield, PA 16830	Unnamed Tributary to Wolf Run—8-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
City of Jeannette Westmoreland County	PAR216134	Jeannette Shade & Novelty Company 215 North 4th Street PO Box 99 Jeannette, PA 15644-1740	UNT of Brush Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

<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>
Slippery Rock Township Butler County	PAR608315	PSC Metals Inc. PO Box 310 Slippery Rock, PA 16057-0310	Unnamed Tributary of Slippery Rock Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

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

<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>
Findley Township Mercer County	PAG041077	Chad M Breindel 982 Mercer Grove City Road Mercer, PA 16137	Unnamed Tributary of Mill Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-8

<i>Facility Name</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Municipality and County</i>	<i>Contact Office & Phone No.</i>
Elderton STP	PAG086110	Eastern Armstrong County Municipal Authority 147 Windy Ridge Lane Elderton, PA 15736	Elderton Borough Armstrong County	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

<i>Facility Name</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Municipality and County</i>	<i>Contact Office & Phone No.</i>
Lower Mount Bethel Township, Northampton County	PAG08-2203 PAG07-0003 PAG08-0008 PAG08-3501 PAG08-0002 PAG08-3535 PAG08-3551 PAG08-3517 PAG08-9903 PAG08-3596 PAG08-3510 PAG08-2211 PAG08-3506 PAG08-3522 PAG08-3515 PAG08-3502 PAG08-9904 PAG08-3547 PAG08-0006 PAG08-3540 PABIG-9903 PAG08-3600 PAG08-3565 PAG07-3508 PAG07-0005 PAG08-0003 PAG08-3825 PAG08-0004 PAG08-3518 PAG08-9905 PAG08-3556 PAG08-0018 PAG08-3573 PAG08-3597 WMGR-099 PAG08-0011 PAG08-3567 PAG08-2219 PAG08-3573 PAG08-0021	Synagro 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Pete Keifer Farm II 4621 Mt. Pleasant Rd. Bangor, PA 18013	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Kent & Keith Beiler 2185 Smyrna Road Paradise, PA 17562	Lancaster	311.9	470.9	Swine/Dairy	NA	Approved
Harvest Lane Farm 910 Jake Landis Road Lititz, PA 17543	Lancaster	246	519.12	Layers/Steers	NA	Approved
Hidden Springs Farm 2916 Safe Harbor Road Millersville, PA 17551	Lancaster	21	358.44	Layers	NA	Approved
Bryan Byers 81 Four Pines Road Quarryville, PA 17566	Lancaster	210.4	0.62	Ducks	HQ	Approved
Theodore L. Esbenshade 29 Engle Road Marietta, PA 17547	Lancaster	500	4096.1	Layers	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0612501, Public Water Supply.
 Applicant **Crossroads Beverage Group, LLC**
 Municipality Muhlenberg Township
 County **Berks**
 Responsible Official Kirk Richmond, Chief Operating Officer
 PO Box 1029
 Silver Springs, FL 34489
 Type of Facility New bottled water facility.
 Consulting Engineer Kenneth M Justice, P.E.
 AEON Geosciences, Inc
 2120 Bellemead Avenue
 Havertown, PA 190823-2250
 Permit to Construct Issued: 8/2/2012

Permit No. 0612508 MA, Minor Amendment, Public Water Supply.
 Applicant **The Caernarvon Township**
 Municipality Caernarvon Township
 County **Berks**
 Responsible Official Robert L Weaver, Chairman
 P O Box 188
 Morgantown, PA 19543
 Type of Facility Construction permit to install equipment to allow Well No. 8 to be pumped to waste automatically.
 Consulting Engineer Eric D McCracken, P.E.
 Great Valley Consultants
 75 Commerce Drive
 Wyomissing, PA 19610-1038
 Permit to Construct Issued: 8/2/2012

Permit No. 3612522 MA, Minor Amendment, Public Water Supply.
 Applicant **West Earl Water Authority**
 Municipality West Earl Township

County **Lancaster**
 Responsible Official James Houser
 PO Box 202
 Brownstown, PA 17508
 Type of Facility Installation of 2,000-gallon
 replacement chlorine contact
 tank.
 Consulting Engineer 1—Not Available
 Permit to Construct 8/3/2012
 Issued:

Operations Permit issued to: **McConellsburg Borough Municipal Authority**, 4290005, Todd Township, **Fulton County** on 8/2/2012 for the operation of facilities approved under Construction Permit No. 2907502 MA.

Operations Permit issued to: **Northwestern Lancaster County Authority**, 7360164, Penn Township, **Lancaster County** on 7/31/2012 for the operation of facilities approved under Construction Permit No. 3611519.

Operations Permit issued to: **Beaver Valley MHV**, 7360101, Providence Township, **Lancaster County** on 8/2/2012 for the operation of facilities approved under Construction Permit No. 3611516.

Operations Permit issued to: **Ames Resse, Inc.**, 7361114, East Lampeter Township, **Lancaster County** on 8/2/2012 for the operation of facilities approved under Construction Permit No. 3612501.

Operations Permit issued to: **Shippensburg Borough Authority**, 7210043, Southampton Township, **Franklin County** on 7/31/2012 for the operation of facilities approved under Construction Permit No. 2811502.

Operations Permit issued to: **Hodges MHP**, 7210068, Silver Spring Township, **Cumberland County** on 7/23/2012 for the operation of facilities approved under Construction Permit No. 2111509 MA.

Operations Permit issued to: **Goldsboro Borough Water Company**, 7670131, Goldsboro Borough, **York County** on 8/3/2012 for the operation of facilities approved under Construction Permit No. 6711526 MA.

Operations Permit issued to: **PA American Water Co.**, 7210029, Fairview Township, **York County** on 8/2/2012 for the operation of facilities submitted under Application No. 2112511 E.

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Nob Hill Motel Water System**
 [Township or Borough] Pike Township
 County **Potter**
 Responsible Official Ms. Sarah Piaquadio
 Nob Hill Motel
 289 Route 6 East
 Galeton, PA 16922
 Type of Facility Public Water Supply
 Consulting Engineer William S. Bray, P.E.
 373 West Branch Road
 Wellsboro, PA 16901
 Permit Issued August 3, 2012

Description of Action Construction of 40 feet of 12-inch
 detention piping to provide 4-log
 inactivation of viruses of Well
 No. 1 water.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Town and Country Estates**
 [Township or Borough] Troy Township
 County **Bradford**
 Responsible Official Mr. Gary Butters
 Town and Country Estates
 900 Town and Country Estates
 Troy, PA 16947

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued August 7, 2012

Description of Action 4-log inactivation of viruses at
 Entry Point 101 (Well Nos. 1 and
 2).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Twin Hills Village MHP**

[Township or Borough] Fairfield Township

County **Lycoming**

Responsible Official Ms. Leanne Miller

Operations Manager GSP Management Co.
 P. O. Box 677
 Morgantown, PA 19543

Type of Facility Public Water Supply

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

Permit Issued August 7, 2012

Description of Action Operation of eight 220-gal.
 vertical water storage tanks
 connected in series, which were
 installed to provide 4-log
 inactivation of viruses in water
 from Well Nos. 1 and 2.

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

Permit No. 1112502, Public Water Supply.

Applicant **Greater Johnstown Water Authority**
 640 Franklin Street
 Johnstown, PA 15901

[Borough or Township] Upper Yoder Township

County **Cambria**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650

Permit to Construct July 31, 2012
 Issued

Operations Permit issued to: **Municipal Authority of the Borough of Oakmont**, PO Box 73, 721 Allegheny Avenue, Oakmont, PA 15139, (PWSID #5020036) Middlesex Township, **Butler County** on July 31, 2012 for the operation of facilities approved under Construction Permit # 0211504.

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on July 27, 2012 for the operation of facilities approved under Construction Permit # 0210504.

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on July 27, 2012 for the operation of facilities approved under Construction Permit # 0210504A1.

Permit No. 0212505MA, Minor Amendment. Public Water Supply.

Applicant **Plum Borough Municipal Authority**
4555 New Texas Road
Pittsburgh, PA 15235

[Borough or Township] Plum Borough

County **Allegheny**

Type of Facility Boyce Park water storage tank

Consulting Engineer R.F. Mitall & Associates, Inc.
117 Sagamore Hill Road
Pittsburgh, PA 15239

Permit to Construct July 26, 2012
Issued

Permit No. 0212506MA, Minor Amendment. Public Water Supply.

Applicant **Plum Borough Municipal Authority**
4555 New Texas Road
Pittsburgh, PA 15235

[Borough or Township] Plum Borough

County **Allegheny**

Type of Facility Renton water storage tank

Consulting Engineer R.F. Mitall & Associates, Inc.
117 Sagamore Hill Road
Pittsburgh, PA 15239

Permit to Construct July 26, 2012
Issued

Permit No. 1112504MA, Minor Amendment. Public Water Supply.

Applicant **Spangler Municipal Authority**
102 Philadelphia Avenue
Northern Cambria, PA 15714

[Borough or Township] Northern Cambria Borough and Barr Township

County **Cambria**

Type of Facility Water system

Consulting Engineer DW LaSota Engineering
901 6th Avenue
Patton, PA 16668

Permit to Construct August 7, 2012
Issued

Permit No. 5611524MA, Minor Amendment. Public Water Supply.

Applicant **Indian Lake Borough**
1301 Causeway Drive
Central City, PA 15926

[Borough or Township] Indian Lake Borough

County **Somerset**

Type of Facility Water system

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

Permit to Operate July 27, 2012
Issued

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

Operation Permit issued to **Hayfield Estates LLC**, PWSID #6200049, Hayfield Township, **Crawford County**. Permit Number 2012503 issued August 2, 2012 for the operation of the newly installed chlorine contact tanks at the Public Water Supply system. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on July 31, 2012.

Operation Permit issued to **Saegertown Borough**, PWSID #6200043, Saegertown Borough, **Crawford County**. Permit Number 2086502-MA2, issued August 2, 2012 for the operation of 4-Log treatment of viruses for Entry Point 103. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Cranberry Township**, PWSID #5100094, Cranberry Township, Butler County. Permit Number 1009504 issued August 3, 2012 for the operation of the Commonwealth Drive Water Booster Pump Station located in Cranberry Township, **Butler County**, Pennsylvania. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on July 9, 2012.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location: Act 537 Plan Update Revision, City of Bethlehem

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Bethlehem	City Hall 10 E. Church St. Bethlehem, PA 18018	Northampton

Plan Description: The approved plan provides for the City's Act 537 Plan submitted on February 9, 2012 prepared by Malcolm Pirnie and ARRO, and entitled Act 537 Plan Update Revision.

The proposal is located in the City of Bethlehem which provides sewerage treatment facilities to the following contributing municipalities: City of Allentown, Hanover Township (Lehigh County), Hanover Township (Northampton County), Lower Saucon Township, Hellertown Borough, Fountain Hill Borough, Salisbury Township, Palmer Township, Bethlehem Township, Lower Nazareth Township, and the Borough of Freemansburg.

The Plan consists of implementing Alternative 5-Plug Flow Operation with Anoxic Selector Zones. This alterna-

tive proposes converting the existing two-stage activated sludge/trickling filter process to a single-stage activated sludge process which will restore the existing plant design capacity of 20 MGD to accommodate the existing and future wastewater needs of the city and its contributing municipalities.

Components of the recommended wet stream alternatives in Alternative 5 include:

- Continued use of existing primary clarifiers.
- Construction of a new secondary treatment train consisting of 4.5 MG new aeration tank volume paired with the existing final clarifiers, which would operate in parallel to the existing aeration tanks and intermediate clarifiers.
- Existing aeration tanks would be retrofit with new, more efficient mechanical aerators, rather than a diffused aeration system. New aeration tanks would be deeper (18-foot SWD) than the existing aeration tanks and use fine bubble diffused aeration.
- Flow would be split equally between both trains.
- An Anoxic Selector Zone will be incorporated in the front of the first pass, for improved settle ability and reduced odor potential. To accommodate the selector zone in the existing ATs, the first mechanical aerator in the pass would need to be replaced with submersible mixing and a baffle wall constructed to prevent back-mixing of flow from the downstream aerated zone.

The estimated opinion of probable cost for Alternative 5 is \$26,854,000.

In addition to the Alternative 5, several other WWTP improvements were recommended based on aging equipment and poor performance. These include:

- Replacement (in-kind) of existing bar screens and grit collector equipment.
- Installation of primary sludge dewatering equipment.
- Conversion of existing chlorine gas disinfection system to liquid sodium hypochlorite disinfection system.
- Construction of a 2,475 sq. ft. laboratory and administration building to be located between Primary Clarifier No. 1 and Trickling Filter No. 1. Administrative and lab functions, along with personnel spaces such as lunchrooms, locker rooms, and showers, would be moved from the existing Control Building into this new space, allowing the existing lab and lunchroom to be used for relocation of the dewatering polymer system.
- Installation of a fourth final effluent pump to increase the plant peak flow capacity to 50 MGD.

The estimated opinion of probable cost for these other WWTP improvements is \$7,230,300.

An evaluation of the solids handling system was also performed as part of this Act 537 Plan. The recommended alternative for solids handling improvements is Alternative 4, which consists of:

- Construction of a new 35 ft. diameter primary sludge thickener located to the south of existing Secondary Digester No. 1 and northeast of Primary Clarifier No. 1.
- Continued pre-thickening of WAS in the existing gravity thickener.
- Replacement of the existing rotary drum thickener with two new gravity belt thickeners. Expansion of the existing mechanical sludge thickener building to accommodate the two new gravity belt thickeners. In addition,

the existing thickening polymer system will be expanded and relocated within the new building expansion.

- Conversion of the two existing secondary digesters into primary digesters through the addition of heating and pumped sludge mixing systems (i.e., Rotamix).
- Construction of a 5th primary digester to be located east of existing Pump Station No. 2, if necessary. The new primary digester would also contain the same pumped sludge mixing systems as the converted secondary digesters. New innovative sludge pretreatment technologies should be considered in the future in lieu of the new digester construction.
- Replacement of the existing heater and mixing systems with a new pumped sludge heating and mixing system in the two existing primary digesters.
- Construction of a new 600,000 gal. sludge storage tank upstream of the solids dewatering process. Replacement of the existing two belt filter presses with three dewatering centrifuges.
- Relocation of existing dewatering polymer systems within the Control Building.

The estimated opinion of probable cost for recommended solids handling improvements is \$19,724,000.

Collection system improvements recommended in this Act 537 Plan consist of those addressing level of service issues, as well as previously documented capital improvement projects (CIP). Approximately 876 linear feet of pipe improvements were recommended to address level of service issues for current and future dry and wet weather flows identified through the City's collection system model simulations. The CIP projects (Priority groups 1 and 2) include approximately 18,310 linear feet of pipe improvements. The overall total opinion of probable cost for the recommended collection system improvements is \$19,296,000.

The Plan provides for restoring the existing plant design capacity of 20 MGD to accommodate the existing and future wastewater needs of the City and its contributing municipalities. Collection/conveyance system improvements will also be made through a Capital Improvement Program based on pre-determined level of service criteria for both the dry weather flow as well as the 5-year design storm flow.

Any required NPDES Permits or WQM Permits must be obtained in the name of the City of Bethlehem.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address County</i>
Ligonier Twp.	Ligonier Township Supervisors Westmoreland Mr. Keith Whipkey, Supervisor 1 Municipal Park Drive Ligonier, PA 15658 -8763

Plan Description: The project is located in the Loyalhanna Creek Watershed, it will address a section of the Village of Laughlinton in Ligonier Township, Westmoreland County.

This sewer project is an addendum to the Ligonier East Planning area project. The Laughlintown Sewer Project will provide municipal sewer service to 83 additional existing structures in the Loyalhanna Creek Watershed. The project will provide municipal sewage service to the existing structures located along U.S. Route 30, Mill Street, California Avenue, Weimer Avenue, Darr Street, Locust Street and Armour Street. The plan provides for the construction of collection sewers that will expand the sewage service area.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts results from this proposal.

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:

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

Lord Corporation 12th Street Facility, City of Erie, **Erie County**. AMEC Environmental & Infrastructure,

Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 has submitted a Remedial Investigation/Risk Assessment Report concerning remediation of groundwater contaminated with volatile organic compounds, primarily tetrachloroethene (PCE) and its breakdown products: trichloroethene (TCE), vinyl chloride, and cis-1,2-dichloroethene (cis-1,2-DCE). The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Stove Works Facility, Hatboro Borough, **Montgomery County**. James F. Mullan, Hocage Consulting Inc. 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of David Kilcoyne, Plumridge Property, LLC, 237 Jacksonville Road, Hatboro, PA 19040 has submitted a Cleanup Plan/Final Report concerning remediation of site groundwater and soil contaminated with inorganic. The report is intended to document remediation of the site to meet the Site Specific Standard.

Ambler Boiler House, Borough of Ambler, **Montgomery County**. Walter H. Hungater, III, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of John Zaharchuk, Ambler BH Development Partners, ILLC, 610 West Germantown Pike, Plymouth Meeting, PA 19462 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Kingdom Hall of Jehovah's Witness, City of Chester, **Delaware County**. Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Dennis Bell, Kingdom Hall of Jehovah's Witness C/O Realty Mark Nexus, 501 Corporation Drive Luxembourg Corporation Center, Langhorne, PA 19047 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Willow Grove Townhouse, L.P., Upper Moreland Township **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc. PO Box 370, Blue Bell, PA 19422 on behalf of D Moser, Willow Crossing Townhomes, L.P., c/o The Moser Group, 300 Brookside Court, Chalfont, PA 18914 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Haverford Animal Hospital, Lower Merion Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Reginald L. Royster, Jr. D.V.M. Haverford Animal Hospital, 517 West Lancaster, Haverford, PA 19041 has submitted a Final Report concerning remediation of site soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

A. Leventhal & Sons, 711 Davis Street, Scranton City, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Final Report on behalf of his client, Jeffrey

Leventhal, 125 Welsh Hill Road, Clarks Summit, PA 18411, concerning the remediation of soil found to have been impacted by No. 2 fuel oil, which was observed during the removal of an unregulated, 10,000-gallon heating oil underground storage tank. The report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was to have been published in the *Scranton Times* on July 31, 2012. A Notice of Intent to Remediate was simultaneously submitted.

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

Helene Master Property, 75 Bernville Road, Robeson, PA 19551, Heidelberg Township and Borough of Robeson, **Berks County**. Liberty Environmental, Inc., 50 North Street, 5th Floor, Reading, PA 19601, on behalf of Helene Master Estate, David Rick, Trustee, 2650 Westview Drive, Wyomissing, PA 19610, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with leaded and unleaded gasoline from unregulated underground storage tanks. The site is being remediated to a combination of Site-Specific and Residential Statewide Health standards.

Former BP Terminal 4574, 901 Mountain Home Road, Sinking Spring, PA 19608, Sinking Spring Borough, **Berks County**. Antea Group, / Antea USA, Inc., 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Reading Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with petroleum products. The site will be remediated to the Site-Specific standard.

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

Lord Corporation West 12th Street Facility, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of the Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 and Lord Corporation, 2000 West Grandview Boulevard, Erie, PA 16509 has submitted a Cleanup Plan concerning remediation of site soils and groundwater contaminated with chlorinated solvents, primarily tetrachloroethene, and breakdown compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Liberty Park, East Liberty Blvd & Collins Street, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Karl Schlacter, 5934 Graybrooke Drive, Pittsburgh, PA 15632 has submitted a Final Report concerning the remediation of site soil contaminated with VOC's, SVOC's and metals.

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:

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

Cohrae Site, Lower Providence Township **Montgomery County**. Justin Lineman, Lewis Environmental, Inc., PO Box 639, Royersford, PA 19468 on behalf of Janet Cohrae, 3000 East High Street, Lot 101, Sanatoga, PA 19464 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 26, 2012.

12 Catfish Lane, Lower Providence Township **Montgomery County**. Staci Cottone, J&J Environmental, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Joe Carbone, Valley Forge Group, LP, 31200 Northwestern Highway, Farmington Hills, MI, 48334 has submitted a Final Report concerning the remediation of site soil contaminated with soil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2012.

Printworks/Nash Printing, Montgomery Township **Montgomery County**. Alexander Ulmer Barry Isett & Associates, Inc. PO Box 147, Trexlertown, PA 18087, Bill Kunsch, J&J Environmental Inc. PO Box 370 Blue Bell, PA 19422 on behalf of Martin Wolfe, Marlin Properties, LP, 1617 North Line Street, Lansdale, PA 19446 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline and leaded gasoline. The Final report demonstrated attainment of the statewide Health Standard and was approved by the Department on June 25, 2012.

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

334 North Cedar Street, Lititz, PA 17543, Lititz Borough, **Lancaster County**. Liberty Environmental, 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Sovereign Bank, N.A. 75 State Street, MAI SST 04-11, Boston, MA 02109, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on July 30, 2012.

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 concerning remediation of site soils and groundwater contaminated with leaded gasoline from an unregulated underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on July 31, 2012.

Mount Joy Country Homes, 501 Union School Road, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. SSM Group, PO Box 6307, Reading, PA 19610, on behalf of Messiah Village, 100 Mount Allen Drive, Mechanicsburg, PA 17055, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with lead and arsenic from historical ash fill. The Remedial Investigation and Final Report demonstrated attainment of the Residential Statewide Health and Site-Specific standards, and were approved by the Department on August 1, 2012.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR081D032. eGreen Electronics Recycling. This permit is for the beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing. The permit was issued by Central Office on August 1, 2012.

Persons interested in reviewing the general permit may contact Scott Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Permit(s) Renewed 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 the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Number WMGR074. Clean Earth Of Philadelphia, LLC, 3201 S 61st Street, Philadelphia, PA 19153-3502. General Permit Number WMGR074 authorizes processing and beneficial use of biosolids, water treatment plant sludge, paper pulp sludge and lime neutralized industrial water sludge to produce a soil substitute. The approved processing is limited to blending only of soil amendments with the thermally treated soil. The permit was renewed by Central Office on July 29, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC010. Hydro Recovery, LP, 7 Riverside Plaza, Blossburg, PA

16912. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on July 27, 2012.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Renewed 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 Number WMGR074D001. Clean Earth Of Southeast PA, LLC, 7 Steel Road East, Morrisville, PA 19067. General Permit Number WMGR074 authorizes processing and beneficial use of biosolids, water treatment plant sludge, paper pulp sludge and lime neutralized industrial water sludge to produce a soil substitute. The approved processing is limited to blending only of soil amendments with the thermally treated soil. The determination of applicability was renewed by Central Office on July 29, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

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

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

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

GP1-09-0099: BMR-350 George Patterson Boulevard, LLC. (1205 West Lakes Drive, Suite 240, Berwyn, PA 19312) on July 30, 2012, to operate two (2) 10.43 MMBTU/hr boilers in Bristol Township, **Bucks County**.

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

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

GP5-41-700: PVR Marcellus Gas Gathering, LLC (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17707) on August 3, 2012, to construct and operate three 1,380 hp Caterpillar model G3516B four-stroke ultra-lean-burn natural gas-fired compressor

engines, one 145 bhp Caterpillar model G3306 four-stroke rich-burn natural gas-fired generator engine, one 25 MMscf/day Triethylene Glycol dehydration unit equipped with a 0.5 MMBtu/hr reboiler, one 40 MMscf/day Triethylene Glycol dehydration unit equipped with a 1.0 MMBtu/hr reboiler, and two 10,000 gallon above-ground produced water tanks at the Red Bend Compressor Station in Cogan House Township, **Lycoming County**.

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

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

GP5-56-00313A: Caiman Penn Midstream, LLC (5949 Sherry Lane, Suite 1300 Dallas, TX 75225) on August 6, 2012, to modify and install one (1) additional 210 bbl produced water tank and enhance the capacity of the existing dehydrator to 20 MMscfd at their Miller Connect compressor station in Middlecreek Township, **Somerset County**.

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

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

GP5-27-032A: Pennsylvania General Energy Co., LLC—Salmon Creek Well No. 1346 (FR 145, Marienville, PA 16239) on July 31, 2012, for operation of one (1) lean burn 2 stroke compressor engine, Ajax DPC-360LE, and one (1) 5,880 gallon produced water storage tank, Tank ID T001, (BAQ/GPA/GP-5) in Jenks Township, **Forest County**.

GP5-27-036A: Pennsylvania General Energy Co., LLC—Salmon Creek Well No. 1347 (FR 145, Marienville, PA 16239) on July 31, 2012, for operation of one (1) lean burn 2 stroke compressor engine, Ajax DPC-360LE, and one (1) 5,880 gallon produced water storage tank, Tank ID T001, (BAQ/GPA/GP-5), in Jenks Township, **Forest County**.

GP14-43-362A: Robert L. Snyder Funeral Home, Inc. (3223 Perry Highway, Sheakleyville, PA 16151) on July 17, 2012, for operation of one (1) US cremation equipment human crematory model Classic rated 150 lbs/hr to 200 lbs/hr, (BAQ/GPA/GP-14), in Sheakleyville Borough, **Mercer County**.

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

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

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

46-0024F: McNeil Consumer Healthcare (7050 Camp Hill Road, Fort Washington, PA 19034) on July 30, 2012, for installation of a new tablet coating pan and associated dust collector, reactivation of the Glatt 15 Fluid Bed Processor (Source ID 139), and reconfiguration of existing dust collectors at the existing pharmaceutical facility located in Whitemarsh Township, **Montgomery County**, PA. The Fort Washington facility has the potential to exceed the Philadelphia Consolidated Metropolitan Statistical Area minor source thresholds for each Nitrogen Oxide (NO_x), and Volatile Organic Compound (VOC), and Particulate Matter (PM) emissions. The facility re-

stricts VOCs and NO_x to less than 25 tons per year each, and PM to less than 100; therefore the plant is categorized as a Synthetic Minor Facility. The projected increase in total facility wide PM emissions is well below 1.0 tpy, the projected increase in total facility wide VOC emissions is 4.85 tpy, the projected increase in total facility wide Hazardous Air Pollutant (HAP) emissions is 1.55 tpy; however, the facility will remain a synthetic minor with this project. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

48-317-024: ConAgra Food Ingredients Co. (4888 South Delaware Drive, Martins Creek, PA 18063) on July 23, 2012, for installation of an additional wheat receiving and handling operation at their facility in Lower Mt. Bethel Township, **Northampton County**.

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

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

28-05002F: Letterkenny Army Depot—US Department of Defense (AMLD-EN, Chambersburg, PA 17201-4150) on August 2, 2012, for construction of a coating booth for miscellaneous metal coating operations in building 350 at the military facility in Greene - Letterkenny Townships, **Franklin County**. VOC emissions from the booth will be controlled by an existing regenerative thermal oxidizer.

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

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

14-00002L: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on July 11, 2012, for proposed design changes to the mine optimization project at their Pleasant Gap Plant in Spring Township, **Centre County**.

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

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

10-368B: MarkWest Liberty Bluestone LLC—Bluestone Gas Processing Plant (Hartmann Road, Evans City, PA 16033) on July 30, 2012, for construction of a 50 MMSCF/day capacity natural gas processing plant in Forward Township, **Butler County**. This Plan Approval was previously issued under Keystone Midstream Services, LLC, Plan Approval Number 10-368A and has been reissued due to a transfer of ownership.

10-359D: MarkWest Liberty Bluestone LLC, Sarsen Gas Processing Plant (736 Prospect Road, Evans City, PA 16033) on July 30, 2012, for construction of a 40 MMSCF/day capacity natural gas processing plant located in Forward Township, **Butler County**. This Plan Approval was previously issued under Keystone Midstream Services, LLC, Plan Approval Number 10-359B and has been reissued due to a transfer of ownership.

25-996C: Advanced Finishing USA (7401 Klier Dr., Fairview Business Park, Fairview PA 16506) on August 1, 2012, for authorization to construct and operate a third surface coating booth at their existing facility in Fairview Township, **Erie County**. The facility currently operates under state only operating permit 25-00996 which expires August 31, 2014.

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.

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

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

09-0196E: Abington Reldan Metals, LLC. (550 Old Bordentown Road, Fairless Hills, PA 19030) on July 27, 2012, to operate a thermal destructors in Falls Township, **Bucks County**

23-0105: Hanson Aggregates PA, LLC. (7660 Imperial Way, Allentown, PA 18195) on July 30, 2012, to operate a fabric filter baghouse in Thornbury Township, **Delaware County**

46-0040: National Label Co. (2025 Joshua Road, Lafayette Hill, PA 19444) on July 30, 2012, to operate a regenerative thermal oxidizer (RTO) in Whitemarsh Township, **Montgomery County**

15-0027J: Johnson Matthey, Inc.—Catalyst Systems (456 Devon Park Drive, Wayne, PA 19087-1816) on July 31, 2012, located in Treddyffrin Township, **Chester County** for issues relating to the original appeal are contained in the Notice of Appeal, EHB Docket No. 2012-_____. The appeal issues and other conditions that have been addressed in the revised Plan approval are outlined below:

a. Section D, Lines 14 and 15 Drying and Calcining (Source ID(s): 203 and 204), Condition #005. The condition(s) have been revised as follows:

“Production runs when pre-control NO_x emissions are less than or equal to 13.4 lb/hr and VOC emissions are less than 1.1 lb/hr.”

b. Section D, Line 14 SCR System (Source ID: C020), Condition #013 and Line 15 SCR System (Source ID: C021), Condition #014.

Paragraph (a) has been revised as follows:

“The permittee, within one (1) hour of identification, shall notify the Department by telephone, at 484-250-5920, of any failure of the air pollution control system including the events listed below while processing nitrate containing solutions when NO_x emissions are greater than 13.4 lb/hr and VOC emissions are greater than 1.1 lb/hr.”

Paragraph (b) has been revised as follows:

The permittee shall maintain records of emissions calculations during such reportable events and for exceeding the 13.4 lb/hr NO_x emission limit for the Drying and Calcining line. The permittee shall submit a written report to the Department within two (2) working days following the reportable incident describing the malfunction, the corrective actions taken, the time, date, and duration of the incident.

c. Section D, Line 14 SCR System (Source ID: C020). A new daily monitoring requirement (Condition #004) for

the flow rate and the operating temperatures to the SCR oxidation and catalyst bed has been added.

d. Section D, Line 14 SCR System (Source ID: C020), Conditions #008 and #009 (was Conditions #007 and #008), Condition #017(i) (was Condition #016(i)). The conditions have been revised to correct the description of the operating parameter (e.g. "inlet" operating temperature or "inlet" gas temperature).

e. Section D, Line 15 SCR System (Source ID: C020), Conditions #004, #008, #009, Condition #017(i), and Condition #021. The conditions have been revised to correct the description of the operating parameter (e.g. "inlet" operating temperature or "inlet" gas temperature).

f. Section C, Condition #002. The condition has been revised to indicate the Plan Approval 15-0027J has superseded Plan Approval 15-0027I

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

28-05011B: Waste Management Disposal Services of PA, Inc. (9446 Letzberg Road, Greencastle, PA 17225-9317) on July 30, 2012, to expand the existing landfill and the landfill gas collection system at the existing Mountain View Reclamation facility in Antrim Township, **Franklin County**. The plan approval was extended.

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

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

41-00078C: PVR NEPA Gas Gathering, LLC. (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on July 31, 2012, issued a revised plan approval for a change of ownership of the Barto Compressor Station facility from Chief Gathering, LLC to PVR NEPA Gas Gathering, LLC. This facility is located in Penn Township, **Lycoming County**. This revised plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

17-00063A: Pennsylvania Grain Processing LLC (250 Technology Drive, Clearfield, PA 16830) on May 30, 2012, issued a revised plan approval for the change of ownership of the facility from Bionol Clearfield LLC to Pennsylvania Grain Processing LLC. This facility is in Clearfield Borough, **Clearfield County**. This revised plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

17-00063B: Pennsylvania Grain Processing LLC (250 Technology Drive, Clearfield, PA 16830) on May 30, 2012, issued a revised plan approval for the change of ownership of the facility from Bionol Clearfield LLC to Pennsylvania Grain Processing LLC. This facility is in Clearfield Borough, **Clearfield County**. This revised plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

17-00063C: Pennsylvania Grain Processing LLC (250 Technology Drive, Clearfield, PA 16830) on May 30, 2012, issued a revised plan approval for the change of ownership of the facility from Bionol Clearfield LLC to Pennsylvania Grain Processing LLC. This facility is in Clearfield Borough, **Clearfield County**. This revised plan approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

19-304-008E: Benton Foundry Inc. (5297 State Route 487, Benton, PA 17814) on July 3, 2012, issued a revised plan approval to extend the temporary operation of the sources covered until December 12, 2012. This facility is located in Sugarloaf Township, **Columbia County**. 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

65-00629: CBC Latrobe Acquisition, LLC (100 33rd Street, Latrobe, PA 15650-1474) to initiate the 180-day period of temporary operation of the wastewater pretreatment system at the Latrobe Brewery located in Latrobe, **Westmoreland County**. The new expiration date shall be January 9, 2013.

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

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

10-359D: MarkWest Liberty Bluestone LLC—Sarsen Gas Processing Plant (736 Prospect Road, Evans City, PA 16033) on July 31, 2012, to construct a 40 MMSCF/day capacity natural gas processing plant in Forward Township, **Butler County**.

20-303A: Crawford Central School District (860 Thurston Road, Meadville, PA 16335) on July 31, 2012, to construct a new biomass combustion unit providing renewable energy to heat the Meadville Area Middle/High School, **Crawford County** Career & Technical Center and the Meadville Recreation Complex in the City of Meadville, Crawford County.

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

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

22-05007: Harrisburg Authority Dauphin County (1670 South 19th Street, Harrisburg, PA 17104-3201) on July 31, 2012, for the Harrisburg Resource Recovery Facility, which is a municipal waste incineration facility in Harrisburg City, **Dauphin County**.

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

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

55-00023: Kerrico Corp. (2254 Route 522, Selinsgrove, PA 17870-8732) on July 31, 2012, for renewal of their Title V operating permit for their facility in Penn Township, **Snyder County**. The Title V operating permit

contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00016: Plastic Development Co. (PO Box 4007, Williamsport, PA 17701-0607) on July 31, 2012, for renewal of their Title V operating permit for their facility in Woodward Township, **Lycoming County**. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

62-00032: Ellwood National Forge (ENF) (1 Front Street, Irvine, PA 16329-1801) on August 1, 2012, for renewal of Title V permit to operate an iron and steel forging products manufacturing in Brokenstraw Township, **Warren County**. The facility's major emission sources include union iron boiler, natural gas space heaters, package heat boilers (2-muirra), PKG degasser boiler, 45T electric arc furnace, ENS annealing furnaces (3), ENF annealing Furnace #5, ENF heat treat (18), ENF heat treat (11), crankshaft file and grind process, vacuum degasser, teeming, scrap handling, slag handling, vehicle travel, shot blast finishing, crankshaft degreasing, ladle furnace, safety klean degreaser units (4), etch house, pipe mold cleaning machine, and nitride furnaces (5). The potential emissions of the pollutants from the facility are, NO_x: 94.90 TPY (tons per year), CO: 506.07 TPY, SO_x: 43.41, VOC: 23.60 TPY, PM-10: 30.66 and NH₃: 10 TPY. Thus, the permit became Title V. The facility is subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit. The conditions were derived from plan approval 62-032B.

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

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

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

39-00096: Behr Processing Corp. (7529 Morris Court, Allentown, PA 18106-9226) on August 2, 2012, for operation of a paint and coating manufacturing facility in Upper Macungie Township, **Lehigh County**. The source consists of a raw storage area, processing equipment, and a filter fabric control device for particulate control. The source is considered a minor emission source of particulate and volatile organic compound (VOC) emissions. This is a State-Only 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.

40-00083: Multi-Plastics Extrusions, Inc. (600 Dietrich Avenue, Hazleton, PA 18201-7754) on August 1, 2012, to issue a renewal State Only Operating Permit for a plastic film/sheet manufacturing facility in Hazleton City, **Luzerne County**.

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

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

22-03041: Librandi's Machine Shop, Inc. (93 Airport Drive, Middletown, PA 17057-5022) on July 30, 2012, for the electroplating operations and burn-off oven at the facility in Middletown Borough, **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

41-00044: Bastian Tire Sales, Inc. (430 Washington, Blvd, Williamsport, PA 17701) on July 31, 2012, for renewal of the State Only operating permit for their facility in Williamsport, **Lycoming County**. The facility's sources include one (1) #2 fuel oil/natural gas-fired boiler, one (1) diesel-fired fire pump and one (1) natural gas-fired emergency generator. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00035: Warrior Run School District (4800 Susquehanna Trail, Turbotville, PA 17772) on July 27, 2012, to issue a State Only operating permit, for their elementary and Junior/Senior high schools in **Northumberland County**. The facility's main sources include three (3) coal-fired boilers, two (2) #2 oil-fired boilers, two (2) natural gas-fired boilers, four (4) emergency generators, two (2) cold cleaning parts washers and one (1) woodworking shop. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00008: Milton Steel Co. (6 Canal Street, Milton, PA 17847) on July 27, 2012, for their facility issued a State Only operating permit in Milton Borough, **Northumberland County**. The facility's main sources include a spray painting operation, a welding operation and two dip tanks. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

04-00480: Heritage Valley Health System (1000 Dutch Ridge Rd., Beaver, PA 15009) on August 2, 2012, for a Synthetic Minor Operating Permit renewal for the Beaver County Medical Center in Beaver Boro, **Beaver County**. Equipment at this facility includes two 25.5 mmbtu/hr natural gas or No. 2 fuel oil-fired boilers, one 12.075 mmbtu/hr natural gas or No. 2 fuel oil-fired boiler, four diesel-fired emergency generators, and two ethylene oxide sterilizers. The permit includes monitoring, recordkeeping, reporting, testing, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

63-00650: Reaxis, Inc. (941 Robinson Highway, McDonald, PA 15057-2213) on August 2, 2012, a State Only Operating Permit (SOOP) Renewal to authorize the operation of an inorganic tin compounds manufacturing facility located in Robinson Township, **Washington County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

25-00069: BASF Corp. (1729 East Avenue, Erie, PA 16503) on August 1, 2012, renewed the State Only Operating Permit for their facility in the City of Erie, **Erie County**. The sources at the facility include three natural gas-fired boilers, pneumatic conveyors, loaders, load hoppers, cone mixer, blenders, reactors, reduction vessels, acid removal ovens, catalyst dryers, and tableting operations for the manufacture of metal based catalysts. The potential emissions from this facility are below the Title V thresholds. This facility is a natural minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

09-00090: Praxair Distribution Mid-Atlantic LLC—dba GTS-WELCO, (1 Steel Road East, Morrisville, PA 19067) on July 30, 2012, for an Administrative Amendment to incorporate plan approval 09-0090B into the State Only Operating Permit. Plan approval 09-0090B was issued for the operation and maintenance of an Automated Spray Coating Booth and a Shot Blasting Unit for gas cylinders by all facilities in their business region. Plan approval 09-0090B also contained changes to the operation of the Manual Cylinder Spray Booths at the facility that resulted from the installation of the Automated Spray Coating Booth. The facility is located in Falls Township, **Bucks County**.

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

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

54-00006: WPS Westwood Generation, LLC (PO Box 312, US Route 309, Tremont, PA 17981) on July 31, 2012, issued an administrative amendment for this facility in Frailey Township, **Schuylkill County**.

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

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

24-00119: Advanced Heat Treating (1057 Trout Run Road, Saint Marys, PA 15857-3124) on August 1, 2012, issued an administrative amendment to the State Operating Permit to incorporate the conditions of plan approval 24-119B for the facility located in Saint Marys City, **Elk County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

56061301. RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541). To revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add subsidence control plan area acres to the existing underground permit area. Subsidence Control Plan Acres Proposed 157.6. No additional discharges. The application was considered administratively complete on March 14, 2011. Application received: December 22, 2010. Permit issued: August 2, 2012.

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

56060110 and NPDES No. PA0262251. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 41.4 acres. Receiving stream(s): unnamed tributaries to and South Glade Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 17, 2012. Permit issued: July 26, 2012.

32810135 and NPDES No. PA0607606. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for the continued operation and restoration of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 20.0 acres. Receiving stream(s): unnamed tributary to Blacklick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 12, 2011. Permit issued: July 9, 2012.

56940104 and NPDES No. PA0212849. Mountaineer Mining Corporation, 1010 Garret Shortcut Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 107.2 acres. Receiving stream(s): UTS to Tubs Run and Laurel Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2012. Permit issued: July 6, 2012.

56010101 and NPDES No. PA0248924. Rosebud Mining Company, 301 Market Street, Kittanning, PA

16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 81.0 acres. Receiving stream(s): UTS to Casselman River and UTS to Elk Lick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 25, 2011. Permit issued: July 10, 2012.

32100102 and NPDES No. PA0263044. Britt Energies, Inc., P. O. Box 515, Indiana, PA 15701, revision of an existing bituminous surface mine to change land use from forestland to pastureland or land occasionally cut for hay and/or cropland in Burrell Township, **Indiana County**, affecting 110.3 acres. Receiving stream(s): unnamed tributaries to the Conemaugh River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2012. Permit issued: July 31, 2012.

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

33860113 and NPDES Permit No. PA0107387. Cloe Mining Company, Inc. (P. O. Box J, Grampian, PA 16838) Renewal of an existing bituminous surface mine in Oliver & Young Townships, **Jefferson County** affecting 311.6 acres. Receiving streams: Unnamed tributaries to Little Elk Run and Little Elk Run. Application received: May 15, 2012. Permit Issued: July 31, 2012.

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

49840103C3. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), correction to an existing anthracite surface mine operation to increase permitted acreage from 127.0 to 160.3 acres for additional support area in East Cameron Township, **Northumberland County**, receiving stream: Mahanoy Creek. Application received: February 13, 2012. Correction issued: July 31, 2012.

49091301. Robert Shingara, (311 Shingara Lane, Sunbury, PA 17801), commencement, operation and restoration of an anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 50.0 acres, receiving stream: Zerbe Run. Application received: August 12, 2009. Permit issued: August 3, 2012.

49091301GP104. Robert Shingara, (311 Shingara Lane, Sunbury, PA 17801), General NPDES Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 49091301 in Zerbe Township, **Northumberland County**, receiving stream: Zerbe Run. Application received: January 10, 2012. Permit issued: August 3, 2012.

Noncoal Permits Actions

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

25122801 and NPDES Permit No. PA0259128. Groundwork Resource, LLC (8870 Baron Road, McKean, PA 16426) Commencement, operation and restoration of a small industrial minerals mine in McKean Township, **Erie County** affecting 4.1 acres. Receiving streams: Unnamed tributary to Walnut Creek. Application received: May 2, 2012. Permit Issued: August 2, 2012.

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

66900303C2. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), mapping correction of an existing quarry operation in Mehoopany Township, **Wyoming County** affecting 272.55 acres, receiving stream: unnamed tributaries to Schuylkill River. Application received: March 23, 2012. Correction issued: August 6, 2012.

66900303GP104. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66900303 in Mehoopany Township, **Wyoming County**, receiving stream: unnamed tributaries to Susquehanna River. Application received: March 23, 2012. Permit issued: August 6, 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

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

21124002. Demtech, 2500 S. Noah Drive, Saxonburg, PA 16056, blasting activity permit issued for demolition for bridge over Interstate 83 in Lemoyne Boro, **Cumberland County**. Blasting activity permit end date is August 30, 2012. Permit issued: July 31, 2012.

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

03124001. J & J Snyder, Inc. (361 Salem Road, Mayport, PA 16240). Blasting activity permit for the reclamation project at the Snyder 2 GFCC, located in Redbank Township, **Armstrong County**. The duration of blasting is expected to last one year. Blasting permit issued: August 2, 2012.

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

08124141. Hayduk Enterprise Inc. (257 Riverside Drive, Factoryville, PA 18419). Blasting for pipeline located in Wyalusing Township, **Bradford County**, Cherry Township, **Sullivan County**, and Penn Township, **Lycoming County**. Permit issued: July 31, 2012. Permit expires: June 30, 2013.

14124111. John W. Gleim Jr. Inc. (625 Hamilton Street, Carlisle, PA 17013-1925). Blasting for residential development located in Ferguson Township, **Centre County**. Permit issued: July 25, 2012. Permit expires: March 15, 2013.

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

36124141. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Providence Park in West Lampeter Township, **Lancaster County** with an expiration date of July 31, 2013. Permit issued: August 1, 2012.

38124118. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for North

Gate Development in Cornwall Borough, **Lebanon County** with an expiration date of July 30, 2013. Permit issued: August 1, 2012.

58124170. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Salansky Gas Pad in Gibson Township, **Susquehanna County** with an expiration date of July 25, 2013. Permit issued: August 2, 2012.

58124171. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Delucia Gas Pad in Harford Township, **Susquehanna County** with an expiration date of July 26, 2013. Permit issued: August 2, 2012.

58124172. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Teddick II Gas Pad in Brooklyn Township, **Susquehanna County** with an expiration date of July 26, 2013. Permit issued: August 2, 2012.

52124105. Maine Drilling & Blasting, (PO Box 1140, Gardiner, ME 04345), construction blasting for Blue Heron Woods in Lackawaxen and Blooming Grove Townships, **Pike County** with an expiration date of August 1, 2013. Permit issued: August 3, 2012.

22124104. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Willow Creek Development in South Hanover Township, **Dauphin County** with an expiration date of July 31, 2013. Permit issued: August 6, 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

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

E23-494. Eastern University, 1300 Eagle Road, St. David's, PA 19087-3696, Radnor Township, **Delaware County**, ACOE Philadelphia District.

To perform the following activities in and along an unnamed tributary to Gulph Creek (WWF, MF):

1. To install and maintain a chain-link fence above the 100-year floodplain.
2. To remove the existing foot bridge.
3. To stabilize and maintain approximately 130 linear feet of eroded stream bank.

The site is located at Eastern University, West Campus, just southeast of the intersection of Eagle and Radnor Roads, in Radnor (Valley Forge, PA USGS Quadrangle N: 5.6 inches; W: 3.9 inches).

The issuance of this permit also constitutes approval of a water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E15-818. Kennett Square Realty, LP, 649 W. South Street, Kennett Square, PA 19348, Kennett Square Borough, **Chester County**, ACOE Philadelphia District.

To construct and maintain a mixed-use commercial and residential development on former scrap yard and brownfields site known as Magnolia Place, impacting approximately 0.11 acre of wetlands.

The site is located near the intersection of West Cypress Street and South Mill Road (Kennett Square, PA USGS Quadrangle N: 9.1 inches; W: 6.33 inches).

The issuance of this permit also constitutes approval of a water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E21-428. East Pennsboro Township, 98 South Enola Drive, Enola, Pennsylvania 17025, in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a 4.0-foot by 11.0-foot concrete pad, generator, and fence in the floodplain of Conodoguinet Creek (WWF) for the purpose of providing backup power to the Brentwater Pump Station, located along Brentwater Road in East Pennsboro Township,

Cumberland County (Harrisburg West, PA Quadrangle; N: 2.01 inches, W: 9.44 inches; Latitude: 40°15'39.9" Longitude: -76°56'33.7").

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

E12-185. James E Singer. 2846 Sizerville Road, Emporium, PA 15834-4856. Singer Dwelling Addition in Portage Creek, Sinnemahoning Floodway, Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle Latitude: 41° 32'49.2"; Longitude: 78° 12' 34.1").

The applicant proposes to construct, operate and maintain a 20-foot x 28-foot addition to an existing dwelling that is located in the 100-year floodway of Portage Creek, Sinnemahoning. Construction of the dwelling addition shall not include any fill placement in the floodway so that flood storage capacity and water surface elevations are unaltered. The project is located along the eastern right-of-way of SR 0155 approximately 2.8-miles north of SR 0120 and SR 0155 intersection. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-1630. Pennsylvania Department of Transportation—District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Municipality of Monroeville, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to do the following:

1. To construct and maintain an extension to an existing 58 ft. long, 18.6 ft. wide and 7 ft. high arch culvert, with a 20 ft. long 19.2 feet wide and 8 ft. high open bottom box culvert over Piersons Run (TSF) with a drainage area of 2 square miles. (Murrysville, PA Quadrangle: North: 12.8 inches: West: 4.9 inches; Latitude: 40° 26' 44": Longitude: 79° 42' 49").

2. To modify and operate an existing 80 ft. long, 26 ft. span and 10 high culvert in Abers Creek (TSF), with the placement of gabion baskets on top of it at the inlet end.

3. To construct and maintain a 15 foot extension of an existing 36" diameter culvert 100' long and a 10 foot rock apron on an UNT to Abers Creek (TSF).

4. To replace an existing 24" diameter culvert 175 feet long with a new 42" diameter culvert, 200 feet long on an UNT to Abers Creek (TSF).

5. To replace an existing 18" diameter culvert, 320 foot long, with a new 24-inch diameter culvert 320 feet long on a UNT to Abers Creek (TSF).

6. To replace an existing 42" diameter culvert, 380 feet long, with a new 48" diameter culvert 380 feet long on a UNT to Abers Creek (TSF).

7. To construct and maintain various stormwater outfalls to Abers Creek, UNTs to Abers Creek, and Piersons Run.

8. To construct and maintain 650 feet of stream relocation to Abers Creek (TSF), resulting in a net loss of 80 linear feet of stream (Murrysville, PA Quadrangle: North: 10.8 inches and West: 4.9 inches; Latitude: 40° 25' 58" and Longitude: 79° 42' 56").

9. The placement of fill in 0.09 acre of PFO wetlands and 0.01 acres of PEM wetlands.

To mitigate for these impacts to aquatic resources, the applicant will construct a 0.2 acre PFO/PEM wetland onsite. This project (Phase 1 of 3) is associated with SR 286 improvement work with these encroachments extending 1.3 miles north of the SR 286 intersection with SR 22 in the Municipality of Monroeville, Allegheny County (beginning from Murrysville PA Quadrangle: North: 9.5 inches: West: 4 inches; Latitude: 40° 26' 44": Longitude: 79° 42' 49" and ending North: 12.8 inches; West: 4.9 inches; Latitude: 40° 25' 37": Longitude: 79° 43' 20").

E02-1663. Township of Hampton, 3101 McCully Road, Allison Park, PA 15101, Hampton Township, **Allegheny County**; ACOE Pittsburgh District.

Has been given consent to remove the existing structures (a culvert from the channel and a floodwall along the left bank of Gourdhead Run) and to construct and maintain a new con-span arch culvert 155 feet long, having a span of 32.0 feet with an underclearance of 8.0 feet in and across the channel of Gourdhead Run (TSF) for the purpose of improving highway safety and to provide access to a proposed Park'n'Ride facility. 248.0 feet of bank restoration and riparian plantings will occur upstream of the culvert extension as mitigation. The project is located on Duncan Avenue, approximately 250.0 feet west from the intersection of SR 8 and Duncan Avenue (Glenshaw, PA Quadrangle; N: 10.75"; W:1 1.75"; Latitude: 40° 33' 35"; Longitude: 79° 57' 37") in Hampton Township, Allegheny County.

E32-497. GenOn Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317, West Wheatfield Township, **Indiana County**; ACOE Pittsburgh

Has been given consent to reconstruct, expand, operate and maintain a 1.1 acre (expanded size) desilting basin within the floodplain of the Conemaugh River (WWF). The project is located at the GenOn Conemaugh Power Station along SR 2008 (New Florence, PA Quadrangle; N: 2.1 inches, W: 8.0 inches; Latitude: 40° 23' 15"; Longitude: 79° 03' 27"), in West Wheatfield Township, Indiana County.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E33-245, United Electric Cooperative, P. O. Box 688, DuBois, PA 15801. Snyder Township, **Jefferson County**. ACOE Pittsburgh District

To construct and maintain a 9,243' long by 10' wide access road and relocate several utility poles within the ROW for power line 12F. Total earth disturbance for the project is approximately 2.5 acres. Total impacts to aquatic resources for the project are 0.018 acre of permanent impact to EV wetland, 19 linear feet of permanent impact to EV stream, and 0.04 acre of temporary impact to EV wetland. Wetland mitigation is not proposed because the permanent impacts are de minimus. (Carman, PA Quadrangle N: 41°, 16', 14"; W: 78°, 51', 10").

E10-473, Catholic Diocese of Pittsburgh, 111 Boulevard of the Allies, Pittsburgh, PA 15222, Cranberry Township, **Butler County**, ACOE Pittsburgh District

To fill a total of 0.27 acre of 5 wetlands and impact a total of 1899 linear feet of 11 tributaries to Kaufman Run for the construction of a high school facility on a 69 acre parcel along the north side of S.R. 228 east of the intersection with Franklin Road. Project includes \$5,000 contribution to the PA Wetland Replacement Fund as mitigation for a total of 0.31 acre of wetland impacts and the construction and maintenance of a total of 2110 linear

feet of stream mitigation consisting of 670 feet of work in a tributary to Kaufman Run on site and 1440 feet in Kaufman Run along the north side of Kaufman Run Road southeast of the project site. (Mars, PA Quadrangle N: 40°, 41', 18"; W: 80°, 04', 13")

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

E4129-029: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Cummings Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 12.0 inch diameter water pipe lines and timber matting across Tarkiln Run (EV) impacting 77 linear feet (Waterville Quadrangle 41°18'10"N 77°17'45"W),

(2) two 12.0 inch diameter water pipe lines and timber matting across Ritter Run (EV) impacting 81 linear feet (Waterville Quadrangle 41°17'15"N 77°17'40"W).

The project will result in 158 linear feet of stream impacts and 0.0 acre of wetland impacts, all for the purpose of installing water pipe line with associated access roadways for Marcellus well development.

E5829-021. Williams Field Services Company, LLC., 1605 Coraopolis Heights Road, Moon Township, PA 15108-4310; Harford and Lenox Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 20 inch diameter natural gas gathering pipeline and timber mat crossing impacting 78 square feet of an unnamed tributary to Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 56"; Longitude -75° 42' 28"),

2. a 20 inch diameter natural gas gathering pipeline and timber mat crossing impacting 400 square feet of Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 42' 22"),

3. a 20 inch diameter natural gas gathering pipeline and timber mat crossing impacting 333 square feet of an unnamed tributary to Sterling Brook (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 58"; Longitude -75° 41' 42"),

4. a 20 inch diameter natural gas gathering pipeline and timber mat crossing impacting 324 square feet of an unnamed tributary to Sterling Brook (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 58"; Longitude -75° 41' 37"),

5. a 20 inch diameter natural gas gathering pipeline crossing impacting 22 lineal feet of Nine Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 53"; Longitude -75° 40' 36"),

6. a timber mat crossing impacting 110 square feet of an unnamed tributary to Butler Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 5"; Longitude -75° 40' 36"),

7. a timber mat crossing impacting 22 square feet of an unnamed tributary to Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 53"; Longitude -75° 40' 33"),

8. a 20 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.31 acre of PEM wetlands (Lenoxville, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 42' 24"),

9. a timber mat crossing impacting 0.01 acre of PEM wetlands (Lenoxville, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 41' 42"),

10. a 20 inch diameter natural gas gathering pipeline and timber mat crossing impacting 0.04 acre of PEM wetlands (Lenoxville, PA Quadrangle: Latitude 41° 43' 58"; Longitude -75° 41' 37"),

11. a 20 inch diameter natural gas gathering pipeline crossing impacting 0.02 acre of PEM wetlands (Lenoxville, PA Quadrangle: Latitude 41° 43' 54"; Longitude -75° 40' 41"),

12. a 20 inch diameter natural gas gathering pipeline crossing impacting 0.01 acre of PEM wetlands (Lenoxville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 40' 39"),

13. a 20 inch diameter natural gas gathering pipeline crossing impacting 0.05 acre of PEM wetlands (Lenoxville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 40' 32").

Williams Field Services Company, LLC applied for a permit to construct, operate and maintain approximately 2.5 miles of twenty-inch diameter and 0.2 mile of eight-inch diameter natural gas pipeline, requiring 0.3 mile of temporary access roads to be utilized during construction. The pipeline will be constructed within a 75 foot right of way and will be maintained as a 50 foot permanent right of way. The project is located in Harford and Lenox Townships, **Susquehanna County**. The project will impact 364 lineal feet of stream channel and temporarily impact 0.44 acre of wetlands. All for the purpose of conveying Marcellus Shale natural gas to market.

E5329-011: Tenaska Midstream Pennsylvania, LLC, 375 Southpointe Boulevard, Suite 350, Canonsburg, PA 15317-8587, Abbot and West Branch Townships, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain Germania (Area-17) Phase 1 Pipeline, with impacts as follows:

1. one 12 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 52.0 linear feet of Boedler Branch (EV, MF) (Galeton, PA Quadrangle, Latitude: N41°38'55.7", Longitude: W77°40'35.7");

2. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via horizontal directional drilling and a temporary timber mat crossing impacting 66.0 linear feet of Germania Branch (EV, MF) (Galeton, PA Quadrangle, Latitude: N41°39'18.8", Longitude: W77°39'56.1");

3. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via horizontal directional drilling and a temporary timber mat crossing impacting 4,792 square feet (0.11 acre) of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Galeton, PA Quadrangle, Latitude: N41°39'18.6", Longitude: W77°39'55.5");

4. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 2,614 square feet (0.06 acre) of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands (Galeton, PA Quadrangle, Latitude: N41°39'24.1", Longitude: W77°38'28.1");

5. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 1,743 square feet (0.04 acre) of Exceptional Value (EV) Palustrine Emer-

gent (PEM) Wetlands (Marshlands, PA Quadrangle, Latitude: N41°39'58.9", Longitude: W77°37'06.2"); and

6. one 10 inch diameter natural gas line and two 6 inch diameter waterlines via open cut trenching and a temporary timber mat crossing impacting 52.0 linear feet of Sliders Branch (EV, MF) (Marshlands, PA Quadrangle, Latitude: N41°39'58.8", Longitude: W77°37'06.0").

The project will result in 170.0 linear feet of temporary stream impacts and 9,149 square feet (0.21 acre) of temporary Exceptional Value PEM wetland impacts all for the purpose of installing a natural gas pipeline, two waterlines, and associated access roadways for Marcellus shale development.

E0829-043: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 130 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) (Jenningsville, PA, Latitude: 41°33'43", Longitude: -76°14'18");

2. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 2,735 square feet of a Palustrine Emergent Wetland (Jenningsville, PA Quadrangle, Latitude: 41°33'42", Longitude: -76°14'27");

3. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of an unnamed tributary to Sugar Run Creek (CWF, MF) (Jenningsville, PA, Latitude: 41°33'34", Longitude: -76°14'31");

4. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 129 linear feet of an unnamed tributary to Sugar Run Creek (CWF, MF) (Jenningsville, PA, Latitude: 41°33'23", Longitude: -76°14'37");

5. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 122 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) and impacting 1,638 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°33'1", Longitude: -76°14'53");

6. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 590 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°33'01", Longitude: -76°14'57");

7. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 438 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°32'58", Longitude: -76°14'57");

8. one 10 inch diameter natural gas line impacting 14 linear feet of Sciota Brook (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: 41°32'50", Longitude: -76°14'50");

9. one 10 inch diameter natural gas line impacting 8 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: 41°32'48", Longitude: -76°14'50");

10. one 10 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) (Jenningsville, PA, Latitude: 41°32'40", Longitude: -76°14'50");

The project will result in 649 linear feet or 4,353 square feet of temporary stream impacts and 5,401 square feet (.12 acre) of PEM wetland impacts all for the purpose of

installing a natural gas pipeline with associated access roadways for Marcellus shale development. This project is associated with permit application number E5729-032.

E5829-019. Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 10 inch diameter natural gas gathering pipeline and timber mat crossing impacting 80 linear feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 46' 05"; Longitude -75° 49' 24"),

2. a 10 inch diameter natural gas gathering pipeline and timber mat crossing impacting 76 linear feet of the Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 59"; Longitude -75° 49' 05"),

3. a 10 inch diameter natural gas gathering pipeline and timber mat crossing impacting 62 linear feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 57"; Longitude -75° 48' 32"),

4. a 12 inch diameter natural gas gathering pipeline crossing impacting 50 linear feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 48"; Longitude -75° 48' 08"),

5. a 10 inch diameter natural gas gathering pipeline and timber mat crossing impacting 13,939 square feet (0.32 acre) of PEM wetlands (Montrose East, PA Quadrangle: Latitude 41° 46' 15"; Longitude -75° 49' 41"),

6. a 10 inch diameter natural gas gathering pipeline and timber mat crossing impacting 36,155 square feet (0.83 acre) of PEM wetlands (Montrose East, PA Quadrangle: Latitude 41° 46' 00"; Longitude -75° 49' 08"),

7. a 10 inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,227 square feet (0.12 acre) of PSS wetlands (Montrose East, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 49' 40"),

8. a timber mat crossing impacting 1,742 square feet (0.04 acre) of PEM wetlands (Montrose East, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 49' 29"),

9. a 12 inch diameter natural gas gathering pipeline and timber mat crossing impacting 871 square feet (0.02 acre) of PEM wetlands (Montrose East, PA Quadrangle: Latitude 41° 44' 08"; Longitude -75° 48' 59").

All for the purpose of constructing, operating, and maintaining approximately 1.7 mile of ten-inch and 0.3 mile of twelve-inch diameter steel natural gas pipeline from the Williams well pad to the existing Vandermark Pipeline. The project will impact 268 linear feet of temporary stream impacts and temporarily impact 57,935 square feet (1.33 acres) of wetlands, all for the purpose of conveying Marcellus Shale well gas to market.

E5729-032: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 203 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°32'37", Longitude: -76°14'58");

2. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 897 square feet of a

Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°32'30", Longitude: -76°15'05");

3. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 2,044 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°31'51", Longitude: -76°14'46");

The project will result in 3,144 square feet (0.07 acre) of PEM wetland impacts all for the purpose of installing a natural gas line with associated access roadways for Marcellus shale production.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-1 # ESX12-081-0026 (02)

Applicant Name Pennsylvania General Energy Company, LLC

Contact Person Amber Oyler

Address 120 Market Street

City, State, Zip Warren, PA 16365

County Lycoming County

Township(s) Cummings Township

Receiving Stream(s) and Classification(s) 2 UNT to Little Pine Creek (EV), Little Pine Creek (HQ/TSF);

Secondary: Pine Creek (HQ/TSF)

ESCGP-1 # ESX12-015-0146

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) Warren Township

Receiving Stream(s) and Classification(s) UNT Wappasening Creek (CWF);

Secondary: Wappasening Creek (CWF)

ESCGP-1 # ESX12-115-0086

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Susquehanna County

Township(s) Apolaccon Township

Receiving Stream(s) and Classification(s) 2 UNT to Apalachin Creek (CWF/MF);

Secondary: Apalachin Creek (CWF/MF)

ESCGP-1 # ESX12-115-0103

Applicant Name Susquehanna Gathering System

Contact Person John Miller

Address 1299 Oliver Road, P. O. Box 839

City, State, Zip New Milford, PA 18834-0839

County Susquehanna County

Township(s) Harford Township

Receiving Stream(s) and Classification(s) Martin's Creek Watershed (CWF), East Branch Martin's Creek (CWF)

ESCGP-1 # ESX12-115-0112

Applicant Name Susquehanna Gathering System

Contact Person John Miller

Address 1299 Oliver Road, P. O. Box 839

City, State, Zip New Milford, PA 18834-0839

County Susquehanna County

Township(s) Jackson Township

Receiving Stream(s) and Classification(s) Tunkhannock Creek (CWF)

ESCGP-1 # ESX12-015-0157

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Windham Township

Receiving Stream(s) and Classification(s) Babcock Run (CWF/MF);

Secondary: Prince Hollow Run (CWF/MF)

ESCGP-1 # ESX12-015-0127

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) Tuscarora Township

Receiving Stream(s) and Classification(s) Little Tuscarora Creek (CWF);

Secondary: Tuscarora Creek (CWF)

ESCGP-1 # ESX12-115-0113

Applicant Name Susquehanna Gathering System

Contact Person John Miller

Address 1299 Oliver Road, P. O. Box 839

City, State, Zip New Milford, PA 18834-0839

County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) UNT to East Lake Creek (HQ);

Secondary: Salt Lick Creek

ESCGP-1 # ESX12-081-0098

Applicant Name PVR NEPA Gas Gathering, LLC

Contact Person Nicholas Bryan

Address 100 Penn Tower, Suite 201-202, 25 West Third Street

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Penn Township

Receiving Stream(s) and Classification(s) Derr Run (CWF/MF)

ESCGP-1 # ESX12-115-0120

Applicant Name Southwestern Energy Production Com-

pany, LLC
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) Thompson Township
 Receiving Stream(s) and Classification(s) UNT to South
 Branch Canawacta Creek (CWF);
 Secondary: South Branch Canawacta Creek (CWF)

ESCGP-1 # ESX12-081-0083
 Applicant Name Range Resources—Appalachia, LLC
 Contact Person Mary Patton
 Address 100 Throckmorton Street, Suite 1200
 City, State, Zip Ft. Worth, TX 76102
 County Lycoming County
 Township(s) Pine and Cogan House Township
 Receiving Stream(s) and Classification(s) UNT to Block-
 house Creek, UNT to Bear Run, Flicks Run (All EV);
 Secondary: Blockhouse Creek, Bear Run, Flicks Run
 (All EV)

ESCGP-1 # ESX12-115-0105
 Applicant Name WPX Energy Marcellus Gathering, LLC
 Contact Person David Freudenrich
 Address 6000 Town Center Blvd, Suite 300
 City, State, Zip Canonsburg, PA 15317
 County Susquehanna County
 Township(s) Silver Lake Township
 Receiving Stream(s) and Classification(s) Laurel Lake,
 Little Rhiney Creek (Both CWF/MF) (Tribes to Susque-
 hanna River Basin Watershed)

ESCGP-1 # ESX12-117-0069
 Applicant Name PVR Marcellus Gas Gathering, LLC
 Contact Person Nicholas Bryan
 Address 100 Penn Tower, Suite 201-202, 25 West Third
 Street
 City, State, Zip Williamsport, PA 17701
 County Tioga County
 Township(s) Liberty Township
 Receiving Stream(s) and Classification(s) Salt Spring
 Run;
 Secondary: Roaring Branch (EV)

ESCGP-1 # ESX12-131-0016
 Applicant Name Chief Oil & Gas LLC

Contact Person Jeffrey Deegan
 Address 6051 Wallace Road, Ext., Suite 100
 City, State, Zip Wexford, PA 15090
 County Wyoming County
 Township(s) Lemon Township
 Receiving Stream(s) and Classification(s) Horton
 Creek(CWF/MF);
 Secondary; Tunkhannock Creek (TSF/MF)

ESCGP-1 # ESX12-081-0027 (01)
 Applicant Name Pennsylvania General Energy Company,
 LLC
 Contact Person Amber Oyler
 Address 120 Market Street
 City, State, Zip Warren, PA 16365
 County Lycoming County
 Township(s) Cummings Township
 Receiving Stream(s) and Classification(s) UNT to Little
 Pine Creek (EV), Little Pine Creek (HQ/TSF), Pine
 Creek (HQ/TSF);
 Secondary: Pine Creek (HQ/TSF)

ESCGP-1 # ESX12-115-0123
 Applicant Name Susquehanna Gathering System
 Contact Person John Miller
 Address 1299 Oliver Road, P. O. Box 839
 City, State, Zip New Milford, PA 18834-0839
 County Susquehanna County
 Township(s) New Milford Township
 Receiving Stream(s) and Classification(s) UNT to East
 Lake Creek, East Lake Creek Watershed, UNT to
 Smith Creek, Smith Creek Watershed (HQ)

ESCGP-1 # ESX11-115-0157 (02)
 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
 (CWF), UNT to Deer Lick Creek (CWF) and UNT to
 Wyalusing Creek (WWF) Wysox-Wyalusing Creeks Wa-
 tershed;
 Secondary: Wyalusing Creek (WWF)

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

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG04-12-004	David Justin Sunoco Pipeline LP 525 Fritztown Road Sinking Springs, PA 19608	Beaver	Industry Borough, Brighton Township, and Potter Township	UNT to Towmile Run (WWF), UNT to Ohio River (WWF), UNT to Fourmile Run (WWF) & Ohio River (WWF)
OG30-10-8-007	Equitrans LP 625 Liberty Ave Pittsburgh, PA 15222	Greene	Center Township & Morris Township	UNT to Browns Creek, Lightner Run, Browns Creek, and South Fork to Ten Mile Run (HQ-WWF)
OG30-11-8-001	Texas Eastern Transmission 890 Winter Street Suite 100 Waltham, MA 02451	Greene	Cumberland Township	UNT to Muddy Creek (WWF) Muddy Creek (WWF)
OG30-11-8-002	Consol Energy 200 Evergreen Drive Waynesburg, PA 15370	Greene	Center Township	UNT to West Run/South Fork Ten Mile (HQ-WWF)

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG30-11-8-004	Equitrans LP 625 Liberty Ave Pittsburgh, PA 15222	Greene	Franklin Township, Freeport Township, Gilmore Township, Jefferson Township, Wayne Township, and Whiteley Township	UNT to South Fork Tenmile Creek (WWF), UNT to Muddy Creek (WWF), Mt. Phoebe Run (TSF), UNT to Dyers Fork (TSF), Dyers Fork (TSF), UNT to Smith Creek (WWF), Smith Creek (WWF), UNT to Stewart Run (HQ-WWF), Stewart Run (HQ-WWF), UNT to Maple Run (HQ-WWF), UNT to Pursley Creek (HQ-WWF), Tustin Run (WWF), UNT to Tustin Run (WWF), UNT to Hoovers Run (WWF), Hoovers Run (WWF), UNT to Toms Run (WWF), Toms Run (WWF), Blockhouse Run (WWF), UNT to Blockhouse Run (WWF), Roberts Run (WWF), UNT to Roberts Run (WWF), UNT to Bloody Run (WWF), UNT to Garrison Fork (WWF), Garrsion Fork (WWF), UNT to Hamilton Run (WWF), Hamilton Run (WWF), UNT to Cappo Run (WWF), Rockcamp Run (WWF), UNT to Mt. Phoebe Run (TSF)
OG30-11-8-005	Caiman Energy, LLC 5949 Sherry Lane Suite 1300 Dallas, TX 75225	Greene	Franklin Township	South Fork of Tenmile Run (WWF) and UNT SF Tenmile Run (WWF)
OG30-11-8-006	Dominion Transmission 5094 Route 349 Westfield, PA 16950	Greene	Jefferson Township	Pursley Creek (HQ-WWF) and Maple Run (HQ-WWF)
OG56-12-8-01	Columbia gas of PA, Inc. 150 Hillside Drive Bethel Park, PA 15102	Somerset	Summit Township	Flaugherty Creek (CWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX12-039-0002A—Lippert Unit 1H Major Modification & Phase 2
Applicant Range Resources Appalachia LLC
Contact Mary C. Patton
Address 100 Throckmorton Street, Suite 1200
City Fort Worth State TX Zip Code 76102
County Crawford Township(s) East Fairfield(s)
Receiving Stream(s) and Classification(s) UNT to Little Sugar Creek—CWF, French Creek

ESCGP-1 #ESX12-121-0015—Eddy Unit 1H
Applicant Range Resources Appalachia LLC
Contact Mary C. Patton
Address 100 Throckmorton Street, Suite 1200
City Fort Worth State TX Zip Code 76102
County Venango Township(s) Oakland(s)
Receiving Stream(s) and Classification(s) UNT to Cherry Tree Run—CWF, Oil Creek
ESCGP-1 #ESX12-019-0148—Halterlein 2064
Applicant SWEPI LP
Contact H. James Sewell

Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Mercer(s)
 Receiving Stream(s) and Classification(s) UNT to Wolf
 Creek—CWF, Wolf Creek

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Northcentral Region: Waste Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

The Department of Environmental Protection (Department) approved the Northern Tier joint-county Municipal Waste Management Non-Substantial Plan Revision (“Revision”) for the counties of Bradford, Sullivan, and Tioga on August 3, 2012. The Northern Tier Solid Waste Authority established by Bradford, Sullivan, and Tioga Counties acts as a market participant. The Revision is a public document and may be viewed at the Northcentral Regional Office, at the address noted above. Questions concerning the approval of the Revision should be directed to Larry Holley, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7382, or to Michelle Ferguson, Regional Manager, Office of Pollu-

tion Prevention and Energy Assistance, at the Northcentral Regional Office at (570) 327-3636.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa. C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Carl Allison Allison Enterprise	153 Sally Road Johnstown, PA 15906	Testing
Roger Baker	1564 Dry Hollow Road Warriors Mark, PA 16877	Testing
Ralph D’Angelo	474 Burnley Lane Drexel Hill, PA 19026	Testing
Joseph Donnelly	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
David Grammer RAdata, Inc.	27 Ironia Road, Unit 2 Flanders, NJ 07836	Mitigation
Judith Hood-Scheidler Alltech Inspection Services	7228 Baptist Road Bethel Park, PA 15102	Testing
Travis Hoverter	452 Allen Drive Chambersburg, PA 17202	Testing
John Kerrigan	100 Old Kennett Road Wilmington, DE 19807	Mitigation
Neil Klein	702 Manchester Drive Maple Glen, PA 19002	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Harry Lehman Alpha Radon Reduction, LLC	P. O. Box 715 2625 Bristol Road Warrington, PA 18976	Mitigation
Christopher Munsch	3927 Trayer Lane Mechanicsburg, PA 17050	Testing
Steve Platz	2797 South Birch Run Erie, PA 16506	Testing
Jeffrey Porte	1962 Wager Road Erie, PA 16509	Testing & Laboratory Analysis
Radon Testing Corporation of America, Inc.	2 Hayes Street Elmsford, NY 10523	Laboratory Analysis
Michael Rhodes	14324 Route 104 Middleburg, PA 17842	Testing
Joel Salansky Value Dry	154 Hansen Access Road King of Prussia, PA 19406	Mitigation
Clarence Sisco	P. O. Box 954 Blue Bell, PA 19422	Testing
Robert Wilmoth	3410 Ellsworth Avenue Erie, PA 16508	Mitigation
Ronald Zimmerman Gold Star Radon—Berks	P. O. Box 179 Kutztown, PA 19530	Mitigation

**DRINKING WATER STATE REVOLVING FUND
SPECIAL NOTICE**

**Special Notice Under the federal Safe Drinking
Water Act (SDWA); 42 U.S.C.A. § 300f, et. seq.**

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Adams Township Water Authority	PO Box 89 Salix, PA 15952	Cambria

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Adams Township Water Authority proposes replacing old transite and asbestos water pipe lines with new 6-inch water lines in the Beautyline and Peaceful Valley Road areas of Adams Township. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

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

**Public Notice of Proposed Consent Order and
Agreement
RSR/Jones Chemical Site
City of Erie, Erie 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 the Greater Erie Industrial Development Corporation ("GEIDC") concerning their anticipated ownership and participation in the remediation, pursuant to the Land Recycling Act of a portion of the RSR/Jones Chemical Site ("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 hazardous substances disposed at the Site and determined further Response Actions are necessary. Under the terms of the CO&A, GEIDC will complete the construction of an asphalt cap over a former sludge disposal area that will serve as a parking area.

The specific terms of this settlement are set forth in the CO&A between the Department and GEIDC. 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 GEIDC shall be effective upon the date that the Department notifies GEIDC, 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.

Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for Sediment-impaired Dalmatia Creek Watershed in Northumberland County

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the sediment-impaired Dalmatia Creek Watershed in Northumberland County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report listed Dalmatia Creek in 2002 for impairments caused by excessive siltation from crop related, agricultural activities and associated vegetative removal. There currently

are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment within the Dalmatia Creek Watershed. The sediment loading was allocated among the land uses of cropland, hay/pasture land, transitional land, and associated stream bank present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of TMDL Based Load Reductions in Slate Lick Run

Pollutant	Existing Load		TMDL	TMDL	Percent Reduction
	(lbs./yr.)	(lbs./day)	Final Allocation (lbs./yr.)	Final Allocation (lbs./day)	
Sediment	8,158,400.0	22,352	6,032,525	16,527	26.1%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website (www.dep.state.pa.us/watermanagement_apps/tmdl/). To request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, 717-772-5670, salexander@pa.gov

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *Pennsylvania Bulletin*.

Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for Sediment-impaired Streams of the Spicer Brook Watershed in Bedford County

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the

sediment-impaired Spicer Brook Watershed in Bedford County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation. There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment within the sediment-impaired Spicer Brook Watershed. The sediment loading was allocated among the land uses of cropland, hay/pasture land, and associated stream banks present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

Summary of the Final Load Allocation of the Total Daily Maximum Load Reductions in Spicer Brook

Pollutant	Existing Load		TMDL	TMDL	Percent Reduction
	(lbs./yr.)	(lbs./day)	(lbs./yr.)	(lbs./day)	
Sediment	182,200.0	499.2	100,106.7	274.3	45.1%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website (www.dep.state.pa.us/watermanagement_apps/tmdl/). To request a copy of any of the proposed TMDLs contact Scott Alexander, Water Program Specialist, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, 717-772-5670, salexander@pa.gov

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the *Pennsylvania Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 12-1602. Filed for public inspection August 17, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Rescission of Technical Guidance

DEP ID: 257-2318-005. **Title:** Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks. **Description:** This Technical Guidance Document was created in 1997 as the initial guideline to implement the regulation of aboveground storage tanks through general operating permits. Program implementation guidelines have been subsequently incorporated into other technical guidance documents, application forms and fact sheets available on the Department's web site, making this document obsolete. **Contact:** Questions regarding this action should be directed to Adam Krichmar at akrichmar@pa.gov or (717) 772-5831.

Effective Date: August 28, 2012.

Title: Interim Procedures Pertaining to Continuous Source Monitoring System Quarterly Data Reports. **Description:** The interim guidance outlines procedures the Department utilizes whenever Continuous Source Monitoring System Quarterly Data Reports required under 25 Pa. Code § 139.101(5) (relating to general requirements) are inaccurate or not submitted. The procedures have been incorporated into the Continuous Source Monitoring Manual Revision No. 8, DEP ID: 274-0300-001. **Contact:** Douglas Haulik, (717) 772-4482 or dhaulik@state.pa.us.

Effective Date: August 28, 2012.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1603. Filed for public inspection August 17, 2012, 9:00 a.m.]

Bid Opportunity

OOGM 12-3, Cleaning Out and Plugging Six Abandoned and Orphan Oil/Gas Wells, (Mr. and Mrs. Randall C. Eury, Clearbrook Community Services Association (c/o Robert J. Gillenberger, Jr., Property Manager), Mr. and Mrs. Jon L. Grimme and Mr. Richard P. Ferraro Properties), Summit, Cranberry, Connoquenessing and Jefferson Townships, Butler County. The principal items of work and approximate quantities are to clean out and plug six abandoned and orphan oil/gas wells, estimated to be 2,200 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on August 17, 2012, and bids will be opened on September 20, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for August 30, 2012, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1604. Filed for public inspection August 17, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Notice of Certification Requests

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

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

The information described in this notice relates to submitted certification requests received from July 4, 2012, through July 31, 2012.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that,

when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

Certification Request

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
Stiffler McGraw on behalf of Towanda Municipal Authority WWTP (Bradford County) NPDES Permit No. PA-0034576	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Towanda Municipal Authority's wastewater treatment plant.
Eastern Snyder County Regional Authority (Snyder County) NPDES Permit No. PA-0110582	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at Eastern Snyder County Regional Authority's wastewater treatment facility.
CET Engineering Services on behalf of Middletown Borough WWTP (Dauphin County) NPDES Permit No. PA-0020664	This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at the Middletown Borough wastewater treatment plant.

Written Comments

Interested persons may submit written comments on this proposed pollutant reduction activity by September 17, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Schlauderaff, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov.

For further information about this certification request or the Trading Program contact Brian Schlauderaff, at the previously listed address or phone number or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1605. Filed for public inspection August 17, 2012, 9:00 a.m.]

Public Notice of Availability of Draft National Pollutant Discharge Elimination Systems General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02)

The Department of Environmental Protection (Department) is proposing to revise the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02, 2012 amendment) for renewal for 5 years. This General NPDES Permit is issued under the authority of the Clean Water Act (33 U.S.C.A. §§ 1251—1387) and The Clean Streams Law (35 P.S. §§ 691.1—691.1001). The current PAG-02 permit is scheduled to expire at midnight on December 7, 2012. The PAG-02 permit will continue to be in force until formal revision of PAG-02 is completed and announced in the *Pennsylvania Bulletin*, unless rescinded by Department at an earlier date.

A summary of the revisions for the draft PAG-02, 2012 amendment are as follows: long-term operation and maintenance of post construction stormwater Best Management Practices (BMP), licensed professional obligations and Notice of Termination were added to become compliant with the revisions made on November 19, 2010, to 25 Pa. Code Chapter 102 (relating to erosion and sediment control); Part A includes effluent monitoring conditions and limitations for turbidity to maintain compliance with 40 CFR Part 450 (relating to construction and development point source category); Part C changes preconstruction meetings from voluntary to mandatory unless the applicant is informed by the Department or delegated conservation district that it is not necessary; Part C provides for the creation of voluntary riparian forest buffers; Part C allows for municipal separate storm sewer systems to use the Commonwealth's Chapter 102 permitting program to satisfy their minimum control measures 4 and 5 (BMPs 1-2). The Department is also implementing a disturbed acreage fee (\$100 per disturbed acre) that is added to the base fee (\$500) for the permit.

The Department invites public comments on the proposed revisions to PAG-02. Comments must be submitted by September 17, 2012. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received during the specified comment period will be considered in the final renewal permit. If more significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Jennifer Orr, Chief of the NPDES Construction and Erosion Control Section at the address as follows. Comments will also be accepted to ep-pag02comments@state.pa.us. Comments sent by facsimile or voice mail will not be accepted.

The proposed PAG-02, 2012 amendment draft permit is available by contacting the Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, P. O. Box 8460, 3rd Floor, Harrisburg, PA 17105-8460, (717) 787-3411, ep-pag02comments@state.pa.us. The proposed PAG-02, 2012 amendment draft permit is also available on the Department's web site at www.dep.state.pa.us (choose "Public Participation"; then scroll down to "Proposals Currently Open for Comment").

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a comment and response document and the final documents package for this General Permit. Availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1606. Filed for public inspection August 17, 2012, 9:00 a.m.]

Storage Tank Advisory Committee Meeting Cancellation

The September 11, 2012, meeting of the Storage Tank Advisory Committee is cancelled. The next meeting is scheduled for December 4, 2012, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Storage Tank Advisory Committee can be directed to Charles M. Swokel at (717) 772-5806 or cswokel@pa.gov. The agenda and meeting materials for the December 4, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5806 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. 12-1607. Filed for public inspection August 17, 2012, 9:00 a.m.]

Suspension of Enforcement of the Stage II Vapor Recovery Requirements for Control of Emissions of Volatile Organic Compounds from New and Newly Affected Gasoline Dispensing Facilities in the Philadelphia and Pittsburgh-Beaver Valley Areas

The Department of Environmental Protection (Department) announces that effective July 31, 2012, it suspended enforcement of the Stage II vapor recovery (Stage

II) requirements in 25 Pa. Code § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) with regard to new gasoline dispensing facilities that begin operation after July 31, 2012, and gasoline dispensing facilities that are newly affected after July 31, 2012. The Department will continue to enforce the requirements applicable to existing facilities subject to the Stage II requirements until further notice.

The Stage II vapor recovery systems are required for about 1,600 gasoline dispensing facilities in Allegheny, Armstrong, Beaver, Bucks, Butler, Chester, Delaware, Fayette, Montgomery, Philadelphia, Washington and Westmoreland Counties. However, the diminishing emission reduction benefits of Stage II controls no longer justify the cost of these controls for new and newly affected gasoline dispensing facilities.

For owners and operators of gasoline dispensing facilities with existing Stage II vapor control systems in place to meet the Stage II requirements, the Department will continue to require operation and maintenance of those systems in accordance with 25 Pa. Code § 129.82 at this time. The Department has not yet completed the analyses required by the United States Environmental Protection Agency (EPA) that could lead to rulemaking action for repeal of the Stage II requirements and removal of those provisions from the Federally-enforceable State Implementation Plan (SIP). On August 7, 2012, the EPA issued guidance entitled "Guidance on Removing Stage II Gasoline Vapor Control Programs from State Implementation Plans and Assessing Comparable Measures." This guidance will assist the Department in determining the additional SIP requirements, if any, that the Commonwealth and other Northeast states in the Ozone Transport Region will be required to adopt and implement to revise their SIPs.

The Department's exercise of enforcement discretion does not protect an owner or operator of a gasoline dispensing facility from the possibility of legal challenge by third persons under 25 Pa. Code § 129.82 or the Commonwealth's approved SIP.

For more information or questions concerning Stage II requirements, contact Ronald Gray, Division of Compliance and Enforcement, Bureau of Air Quality, (717) 772-3369, rongray@pa.gov.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1608. Filed for public inspection August 17, 2012, 9:00 a.m.]

Water Resources Advisory Committee Ad Hoc Workgroup Special Meetings

An ad hoc workgroup of the Water Resources Advisory Committee will hold two special meetings on Monday, August 27, 2012, and Wednesday August 29, 2012, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to discuss regulatory revisions to the Department of Environmental Protection's (Department) Triennial Rulemaking package that incorporate revisions to 25 Pa. Code Chapter 93 (relating to water quality standards).

Questions concerning this schedule or agenda items can be directed to Duke Adams, (717) 783-4693 or ranadams@pa.gov. This schedule, an agenda for the meeting and

notices of meeting changes will be available through the Public Participation Center on Department's web site at www.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Duke Adams at (717) 783-4693 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. 12-1609. Filed for public inspection August 17, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

[Correction]

Pennsylvania Cro\$\$word '12 Instant Lottery Game

A typographical error occurred in the notice published at 42 Pa.B. 4986, 4988 (August 4, 2012) announcing the Pennsylvania Cro\$\$word '12 instant lottery game. The correct version of Number 8 is as follows. The remainder of the document was accurate as printed.

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 You Have Matched The Letters Of Two (2) Or More Entire Words In "GRID 1" or "GRID 2," You Win The Corresponding Prize Shown In The Prize Legend.

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets:</i>
2 WORDS GRID 1	\$5	8.57	1,400,000
3 WORDS GRID 1	\$10	30	400,000
2 WORDS GRID 2	\$10	30	400,000
4 WORDS GRID 1	\$25	120	100,000
BONUS WORD	\$25	120	100,000
5 WORDS GRID 1	\$50	300	40,000
3 WORDS GRID 2	\$50	200	60,000
BONUS WORD × 2	\$50	120	100,000
6 WORDS GRID 1	\$100	1,714	7,000
4 WORDS GRID 2	\$100	1,714	7,000
(5 WORDS GRID 1) + (BONUS WORD × 2)	\$100	1,412	8,500
(3 WORDS GRID 2) + (BONUS WORD × 2)	\$100	1,412	8,500
BONUS WORD × 4	\$100	1,333	9,000
7 WORDS GRID 1	\$250	2,400	5,000
(5 WORDS GRID 1) + (4 WORDS GRID 2) + (BONUS WORD × 4)	\$250	1,600	7,500
(6 WORDS GRID 1) + (3 WORDS GRID 2) + (BONUS WORD × 4)	\$250	1,600	7,500
8 WORDS GRID 1	\$500	12,000	1,000
5 WORDS GRID 2	\$500	12,000	1,000
9 WORDS GRID 1	\$1,000	120,000	100
6 WORDS GRID 2	\$1,000	120,000	100
7 WORDS GRID 2	\$10,000	300,000	40
10 WORDS GRID 1	\$100,000	800,000	15

BONUS WORDS: Win \$25 each time you match one (1) entire bonus word.

Prizes, including top prizes, are subject to availability at the time of purchase.

[Pa.B. Doc. No. 12-1464. Filed for public inspection August 3, 2012, 9:00 a.m.]

Pennsylvania Platinum Millions 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 Platinum Millions.

2. *Price:* The price of a Pennsylvania Platinum Millions instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Platinum Millions 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 printed in black ink and located in the "WINNING NUMBERS" and 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), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in blue ink and located in the "WINNING NUMBERS" and

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), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions printed in black ink and 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), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Platinum Bar (PLATBAR) symbol and a Ring (RING) symbol. The play symbols and their captions printed in blue ink and 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), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$200, \$250, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Platinum Millions instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1MILL (ONE MIL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area

under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring (RING) symbol and a prize symbol of \$500 (FIV HUN) appears in all twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring (RING) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in all twenty 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, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring (RING) symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in all twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$250 (TWOHUNFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Platinum Bar (PLATBAR) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "prize" area under the Platinum Bar (PLATBAR) symbol, on a single ticket, shall be entitled to a prize of \$200.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ring (RING) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in blue ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in blue ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

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 4,800,000 Tickets:
\$5 × 4	\$20	30	160,000
\$10 × 2	\$20	30	160,000
\$10 w/ BLUE MATCH	\$20	15	320,000
\$20	\$20	30	160,000
\$5 × 5	\$25	50	96,000
\$25	\$25	50	96,000
\$20 + \$10	\$30	50	96,000
\$30	\$30	75	64,000
\$10 × 4	\$40	300	16,000
\$20 × 2	\$40	300	16,000
(\$10 w/ BLUE MATCH) × 2	\$40	300	16,000
\$20 w/ BLUE MATCH	\$40	300	16,000
\$40	\$40	300	16,000
\$10 × 5	\$50	300	16,000
\$25 × 2	\$50	300	16,000
(\$20 × 2) + \$10	\$50	300	16,000
\$25 w/ BLUE MATCH	\$50	300	16,000
\$50	\$50	300	16,000
\$20 × 5	\$100	300	16,000
(\$25 w/ BLUE MATCH) × 2	\$100	300	16,000
\$50 w/ BLUE MATCH	\$100	300	16,000
\$100	\$100	300	16,000
RING w/ (\$10 × 20)	\$200	240	20,000
\$20 × 10	\$200	600	8,000
\$50 × 4	\$200	600	8,000
(\$50 w/ BLUE MATCH) × 2	\$200	600	8,000
\$100 w/ BLUE MATCH	\$200	600	8,000
\$200 w/ PLATINUM BAR	\$200	240	20,000
\$200	\$200	600	8,000
RING w/ (\$25 × 20)	\$500	1,500	3,200
\$50 × 10	\$500	3,429	1,400
\$100 × 5	\$500	3,429	1,400
(\$50 × 5) + (\$25 × 10)	\$500	3,429	1,400
(\$100 × 2) + \$250 + \$50	\$500	3,429	1,400
(\$25 w/ BLUE MATCH) × 10	\$500	3,000	1,600
(\$50 w/ BLUE MATCH) × 5	\$500	3,000	1,600
(\$200 w/ PLATINUM BAR) × 2) + \$100	\$500	1,600	3,000
\$500	\$500	3,429	1,400
RING w/ (\$50 × 20)	\$1,000	7,500	640
\$250 × 4	\$1,000	15,000	320
\$500 × 2	\$1,000	12,000	400
(\$100 × 5) + (\$50 × 10)	\$1,000	15,000	320
(\$100 × 2) + \$500 + \$250 + \$50	\$1,000	15,000	320
(\$100 w/ BLUE MATCH) × 5	\$1,000	8,571	560
\$500 w/ BLUE MATCH	\$1,000	8,571	560
(\$200 w/ PLATINUM BAR) × 5	\$1,000	8,571	560
\$1,000	\$1,000	12,000	400
RING w/ (\$500 × 20)	\$10,000	133,333	36
\$10,000	\$10,000	133,333	36
\$100,000	\$100,000	600,000	8
\$1,000,000	\$1,000,000	1,200,000	4

When matching numbers are BLUE, win DOUBLE the prize shown under the matching number.

Reveal a "PLATINUM BAR" (PLATBAR) symbol, win \$200 instantly.

Reveal a "RING" (RING) symbol, win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Platinum Millions 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 Platinum Millions, prize money from winning Pennsylvania Platinum Millions 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 Platinum Millions 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 Platinum Millions or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1610. Filed for public inspection August 17, 2012, 9:00 a.m.]

Pennsylvania The Price Is Right® '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 The Price Is Right® '12.

2. *Price:* The price of a Pennsylvania The Price Is Right® '12 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania The Price Is Right® '12 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "WHEEL NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "WHEEL NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY) a Bill (BILL) symbol and a Plinko® (PLINKO) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "WINNING NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$25, \$50, \$100, \$200, \$400, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two The Price Is Right® second-chance

drawings for which non-winning Pennsylvania The Price Is Right® '12 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:*

Approximately 8,400,000 tickets will be printed for the Pennsylvania The Price Is Right® '12 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$200 (TWO HUN) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Plinko® (PLINKO) symbol, and a prize symbol of \$25.00 (TWY FIV) appears in the "PRIZE" area to the right of that Plinko® (PLINKO) symbol, on a single ticket, shall be entitled to a prize of \$125.

(k) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Plinko® (PLINKO) symbol, and a prize symbol of \$15.00 (FIFTN) appears in the "PRIZE" area to the right of that Plinko® (PLINKO) symbol, on a single ticket, shall be entitled to a prize of \$75.

(n) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$50.00 (FIFTY) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Plinko® (PLINKO) symbol, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that Plinko® (PLINKO) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL)

symbol, and a prize symbol of \$25.00 (TWY FIV) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Plinko® (PLINKO) symbol, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that Plinko® (PLINKO) symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$15.00 (FIFTN) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$15.00 (FIFTN) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of the matching "WHEEL NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "WHEEL NUMBERS" play symbols is a Bill (BILL) symbol, and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area to the right of that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Wheel Number Matches Either Winning Number, Win Prize Shown To The Right Of The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$5 w/ BILL	\$5	15	560,000
\$5	\$5	20	420,000
\$5 × 2	\$10	75	112,000
(\$5 w/ BILL) × 2	\$10	85.71	98,000
\$10 w/ BILL	\$10	33.33	252,000
\$10	\$10	85.71	98,000
(\$10 w/ BILL) + (\$5 w/ BILL)	\$15	120	70,000
\$15 w/ BILL	\$15	120	70,000
\$15	\$15	60	140,000
\$5 × 5	\$25	300	28,000
\$15 + \$10	\$25	300	28,000

<i>When Any Wheel Number Matches Either Winning Number, Win Prize Shown To The Right Of The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$5 w/ PLINKO	\$25	300	28,000
\$25 w/ BILL	\$25	300	28,000
\$25	\$25	300	28,000
\$25 × 2	\$50	600	14,000
(\$5 w/ PLINKO) × 2	\$50	600	14,000
\$10 w/ PLINKO	\$50	600	14,000
\$50 w/ BILL	\$50	600	14,000
\$50	\$50	600	14,000
(\$25 × 2) + (\$5 × 10)	\$100	2,000	4,200
\$10 × 10	\$100	2,000	4,200
\$25 × 4	\$100	2,000	4,200
\$50 × 2	\$100	2,000	4,200
(\$10 w/ PLINKO) × 2	\$100	3,000	2,800
\$100 w/ BILL	\$100	2,000	4,200
\$100	\$100	2,000	4,200
(\$50 × 2) + (\$10 × 10)	\$200	20,000	420
\$100 × 2	\$200	20,000	420
(\$10 w/ PLINKO) × 4	\$200	20,000	420
\$200 w/ BILL	\$200	20,000	420
\$200	\$200	15,000	560
(\$25 × 10) + \$100 + \$50	\$400	40,000	210
(((\$10 w/ PLINKO) × 4) + ((\$5 w/ PLINKO) × 8))	\$400	40,000	210
\$100 × 4	\$400	30,000	280
\$400 w/ BILL	\$400	40,000	210
\$400	\$400	40,000	210
(((\$15 w/ PLINKO) × 10) + ((\$25 w/ PLINKO) × 2))	\$1,000	40,000	210
\$100 × 10	\$1,000	40,000	210
\$1,000 w/ BILL	\$1,000	40,000	210
\$1,000	\$1,000	40,000	210
\$10,000 w/ BILL	\$10,000	240,000	35
\$10,000	\$10,000	240,000	35
\$100,000	\$100,000	840,000	10

Get a "BILL" (BILL) symbol, win prize shown to the right automatically.

Get a "PLINKO" (PLINKO) symbol, win 5X the prize shown to the right of it.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery's The Price Is Right® Second-Chance Drawings Requirements:

(a) To be eligible for the Pennsylvania Lottery's The Price Is Right® second-chance drawings, players must enter one non-winning PA-0944 The Price Is Right® '12 (\$5) instant lottery ticket via the Lottery's website (palottery.com). To enter non-winning tickets players must visit the Lottery's website, click on The Price Is Right® second-chance drawings promotional link, follow the instructions to establish an entry account and enter the identifying information from one PA-0944 The Price Is Right® '12 (\$5) instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries must be submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for a Pennsylvania Lottery's The Price Is Right® second-chance drawing is via the

Pennsylvania Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) Entering a non-winning PA-0944 The Price Is Right® '12 (\$5) instant ticket will entitle the player to either one, two, three, four or five entry(ies) into the next available of two Pennsylvania Lottery's The Price Is Right® second-chance drawings. Players may submit unlimited entries for the Pennsylvania Lottery's The Price Is Right® second-chance drawings.

11. Pennsylvania Lottery's The Price Is Right® Second-Chance Drawings:

(a) The Lottery will conduct two second-chance drawings as part of the Pennsylvania Lottery's The Price Is Right® promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's The Price Is Right® second-chance drawing entries received on or before 11:59:59 p.m. November 1, 2012, will be entered in the Pennsylvania Lottery's The Price Is Right® second-chance drawing, which will be held the week of November 5, 2012.

(2) All Pennsylvania Lottery's The Price Is Right® second-chance drawing entries received after 11:59:59 p.m. November 1, 2012, through 11:59:59 p.m. January 17, 2013, will be entered in the Pennsylvania Lottery's The Price Is Right® second-chance drawing, which will be held the week of January 21, 2013.

(3) The odds of an entry being selected in a Pennsylvania Lottery's The Price Is Right® second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in the Pennsylvania Lottery's The Price Is Right® second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's The Price Is Right® second-chance drawings.

(d) If a Pennsylvania Lottery's The Price Is Right® second-chance drawing entry is rejected during or following a Pennsylvania Lottery's The Price Is Right® second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's The Price Is Right® second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's The Price Is Right® second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's The Price Is Right® second-chance drawing rules and any material describing the Pennsylvania Lottery's The Price Is Right® second-chance drawing, the Pennsylvania Lottery's The Price Is Right® second-chance drawing rules shall govern.

(h) Employees of the Pennsylvania Lottery and its agents, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's The Price Is Right® second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's The Price Is Right® second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's The Price Is Right® second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's The Price Is Right® second-chance drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. However, winners of the Las Vegas Game Show Experience Trip Package that intend to take the trip must make that election prior to February 15, 2013.

(m) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in a Pennsylvania Lottery's The Price Is Right® second-chance drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

12. *Description of Pennsylvania Lottery's The Price Is Right® second-chance drawing prizes:*

(a) The first through the fifth winners selected in each of the two Pennsylvania Lottery's The Price Is Right® second-chance drawings shall be entitled to a Las Vegas Game Show Experience Trip Package prize.

(1) Each Las Vegas Game Show Experience Trip Package prize shall consist of a four-day, three-night trip for the prizewinner and up to one (1) guest to Las Vegas, Nevada and includes:

(i) Roundtrip coach airfare from any U.S. International airport to McCarran International Airport in Las Vegas (inclusive of all security fees, taxes and surcharges);

(ii) All ground transfers between McCarran International Airport and the destination hotel, and between SGI hosted events;

(iii) Accommodations of one (1) deluxe hotel room for three (3) nights (double occupancy, room and room tax only);

(iv) One thousand dollars (\$1,000) spending money for the winner, provided in the form of a check two (2) weeks prior to the scheduled trip departure dates;

(v) A welcome reception upon arrival in Las Vegas;

(vi) Federal withholding taxes on the value of the Las Vegas Game Show Experience Trip Package prize; and

(vii) One (1) opportunity to play the Las Vegas Game Show Experience in Las Vegas as detailed in section 12(a)(3).

(2) A Las Vegas Game Show Experience Trip Package prizewinner opting for the cash value of the Las Vegas trip package will receive \$7,500.00, less required federal withholding. Las Vegas Game Show Experience Trip Package prizewinners receiving the cash equivalent of the Las Vegas Game Show Experience Trip Package prize, or a portion thereof, either as a result of an election of the winner or because it is determined that the winner has outstanding support obligations, will not be eligible to participate in person or via proxy in the Las Vegas Game Show Experience.

(3) Each Las Vegas Game Show Experience Trip Package prizewinner shall have the option to participate as a contestant in the \$1 Million Las Vegas Game Show Experience. Each Las Vegas Game Show Experience Trip Package prizewinner will play six (6) games. The six featured games will be LET'S MAKE A DEAL™, FAMILY FEUD®, THE PRICE IS RIGHT®, PRESS YOUR LUCK®, CARD SHARKS™ and MATCH GAME™. Each game shall be an abbreviated version of the television game show. All prizes will be cash prizes. Each game will be played separately. After a game ends, any cash won during that game will be tallied for the Las Vegas Game Show Experience Trip Package prizewinner and cannot be used in the remaining games. The total amount of cash won on the stage show by the Las Vegas Game Show Experience Trip Package prizewinner will be mailed to the winner within ten (10) business days after the winner's departure from Las Vegas. The top prize available will be one million dollars (\$1,000,000.00). The odds

of winning the top prize will be 1 in 972. The Las Vegas Game Show Experience Trip Package prizewinner's guest may sit with the winner in the audience but will not be eligible to be a contestant on the Las Vegas Game Show Experience. The Las Vegas Game Show Experience Trip Package prizewinner will attend a training session during their scheduled Las Vegas Game Show Experience day to review the rules of the Las Vegas Game Show Experience and learn how to play the six (6) featured games.

(b) The sixth through the eighth winners selected in each of the two Pennsylvania Lottery's The Price Is Right® second-chance drawings shall be entitled to \$1,000.

(c) The ninth through the twelfth winners selected in each of the two Pennsylvania Lottery's The Price Is Right® second-chance drawings shall be entitled to \$500.

(d) In the event a prize described in this section is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

(e) Prizes are transferrable one time. Original winner will be responsible for all applicable taxes.

(f) Other restrictions may apply.

13. Las Vegas Game Show Experience Trip Package Prize Restrictions:

(a) Air travel for the Las Vegas Game Show Experience Trip Package will be booked on a major airline, as defined by the Federal Aviation Administration, from a U.S. International airport to McCarran International Airport in Las Vegas.

(b) The Las Vegas Game Show Experience Trip Package does not include: mileage, insurance, gratuities, meals, parking fees, baggage fees, alcoholic beverages, personal expenses such as telephone calls, valet service, laundry, incidentals and the like, revision or cancellation fees which may be charged by the hotel or other suppliers, or any other items not expressly specified herein.

(c) If the Las Vegas Game Show Experience Trip Package prizewinner is traveling via air and fails to appear at the designated time and place of departure, the balance of his or her trip shall be forfeited with the exception of the one thousand dollars (\$1,000) spending money component of the Las Vegas Game Show Experience Trip Package; however, the Lottery shall appoint a proxy to play the Las Vegas Game Show Experience for the Las Vegas Game Show Experience Trip Package prizewinner and the Las Vegas Game Show Experience Trip Package prizewinner shall receive any prizes won by the proxy.

(d) If the Las Vegas Game Show Experience Trip Package prizewinner fails to check in to the destination hotel when he or she arrives in Las Vegas, the balance of the Las Vegas Game Show Experience Trip Package prize shall be forfeited with the exception of the one thousand dollars (\$1,000) spending money and the return air fare components of the Las Vegas Game Show Experience Trip Package; however, the Lottery shall appoint a proxy to play the Las Vegas Game Show Experience for the Las Vegas Game Show Experience Trip Package prizewinner and the Las Vegas Game Show Experience Trip Package prizewinner shall receive any prizes won by the proxy.

(e) If the Las Vegas Game Show Experience Trip Package prizewinner fails to arrive for his or her sched-

uled participation in the Las Vegas Game Show Experience, the Las Vegas Game Show Experience Trip Package prizewinner forfeits the right to personally participate in the Las Vegas Game Show Experience; however, the Lottery shall appoint a proxy to play the Las Vegas Game Show Experience for the Las Vegas Game Show Experience Trip Package prizewinner and the Las Vegas Game Show Experience Trip Package prizewinner, shall receive any prizes won by the proxy.

(f) In the event that a Las Vegas Game Show Experience Trip Package prizewinner is determined to be unable to attend the trip after the trip has been booked, the balance of the trip prize shall be forfeited with the exception of the one thousand dollars (\$1,000) cash portion of the Las Vegas Game Show Experience Trip Package, less any withholding taxes; however, the Lottery shall appoint a proxy to play the Las Vegas Game Show Experience for the Las Vegas Game Show Experience Trip Package prizewinner and the Las Vegas Game Show Experience Trip Package prizewinner shall receive any prizes won by the proxy.

(g) The Las Vegas Game Show Experience Trip Package prizewinner must be 18 years of age to win the Las Vegas Game Show Experience Trip Package prize. The Las Vegas Game Show Experience Trip Package prizewinner must be 21 years of age to play the Las Vegas Game Show Experience. If the Las Vegas Game Show Experience Trip Package prizewinner is not 21 years of age, the Lottery shall appoint a proxy to play the Las Vegas Game Show Experience for the Las Vegas Game Show Experience Trip Package prizewinner and the Las Vegas Game Show Experience Trip Package prizewinner shall receive any prizes won by the proxy.

(h) The Las Vegas Game Show Experience Trip Package prizewinner, designee(s), or guest(s) must have a valid credit card or shall be required to post cash deposit for incidentals to check into the hotel.

(i) The Las Vegas Game Show Experience Trip Package prizewinner is solely responsible for the actions of the guest who accompanies the Las Vegas Game Show Experience Trip Package prizewinner on the trip. If a Las Vegas Game Show Experience Trip Package prizewinner's guest is a minor, the Las Vegas Game Show Experience Trip Package prizewinner must (A) be the parent or legal guardian of such guest, or (B) must present a notarized, written consent from the minor's parent or legal guardian for the minor guest to accompany the Las Vegas Game Show Experience Trip Package prizewinner on the trip.

(j) The Lottery is not responsible for injury, loss or damage to person or property in connection with the Las Vegas Game Show Experience Trip Package. Las Vegas Game Show Experience Trip Package prizewinners participate solely at their own risk and responsibility.

(k) Other restrictions may apply.

14. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania The Price Is Right® '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).

15. Unclaimed Prize Money: For a period of 1 year from the announced close of Pennsylvania The Price Is Right® '12, prize money from winning Pennsylvania The Price Is Right® '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 The Price Is Right®

'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.

16. *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.

17. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania The Price Is Right® '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1611. Filed for public inspection August 17, 2012, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Orograin Bakeries Manufacturing, Inc., d/b/a Stroehmann Bakeries v. DEP and Centura Development Company, Inc. and/or Keith Eck, Permittee; EHB Doc. No. 2012-140-M; 6-30-12—Issuance of NPDES Permit No. PAI 044112001

Orograin Bakeries Manufacturing, Inc., d/b/a Stroehmann Bakeries has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Centura Development Company, Inc. and/or Keith Eck for stormwater discharges associated with construction activities in Old Lycoming Township, Lycoming County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 12-1612. Filed for public inspection August 17, 2012, 9:00 a.m.]

HOUSING FINANCE AGENCY

Homeowner's Emergency Mortgage Assistance Program; Availability of Funds and Restart of Program; Uniform Notice; Current List of Counseling Agencies and Interest Rate for Loans Closed in 2012

Under section 409-C of the Housing Finance Agency Law (act) (35 P.S. § 1680.409c), the Executive Director of the Housing Finance Agency (Agency) has determined that the Agency will have sufficient money available in the Homeowner's Emergency Mortgage Assistance Program (HEMAP) Fund to begin accepting and approving applications for emergency mortgage assistance. The Agency is publishing this notice to inform homeowners, mortgagees and mortgage servicers that the Program will begin accepting applications for mortgage assistance and that mortgagees and mortgages shall again be subject to Article IV-C of the act (35 P.S. §§ 1680.401c—1680.412c) and the Agency's Program guidelines in 12 Pa. Code Chapter 31, Subchapter B (relating to policy statement on Homeowner's Emergency Mortgage Assistance Program).

The notice published at 41 Pa.B. 2789 (May 28, 2011) indicated that the Agency projected that funds would be insufficient to allow the Agency to accept new applications for emergency mortgage assistance after June 30, 2011. A supplemental notice was published at 41 Pa.B. 3943 (July 16, 2011) to clarify that on or after August 27, 2011, lenders could take legal action to enforce a mortgage without having to send an Act 91 notice.

The act of June 27, 2012 (P.L. 648, No. 70) (Act 70) provides funding for the HEMAP. Consequently, the Program will begin immediately to accept applications for assistance.

Act 91 Notice—Form of the Notice

The form of the Act 91 notice has not been changed. The current form of the notice is the same as that published by the Agency at 38 Pa.B. 4859 (August 30, 2008). A copy of the notice follows as Exhibit A. This is the form of notice that must be used by mortgagees and mortgage servicers going forward as the Program restarts. As of October 2, 2012, this notice must be provided in accordance with the provisions of the act. Mortgagees and mortgage servicers may not use any previously published form of the Act 91 notice. Sending a notice in a form that was published by the Agency prior to August 30, 2008, does not meet the requirements of the act and will be considered defective. Mortgagees and mortgage servicers should not add additional or extraneous language to the form or place inconsistent information in the form. For example, putting the notice on letterhead can result in conflicting contact numbers or including a payment coupon can be confusing to the homeowner. Those inappropriate practices may result in referrals under consumer protection laws.

Mortgagees must send all notices required by law. Act 70 makes it very clear that there are serious consequences when the mortgagee or mortgage servicer does not send an Act 91 notice to homeowners or sends a defective notice (that is, one that does not meet the requirements of the form notice published by the Agency; one that does not contain all of the information required by the form of the notice; or one that contains confusing, additional, conflicting or inappropriate information). In

those cases the trial court may dismiss the foreclosure action, order the service of a corrected notice, impose a stay of the action or impose other appropriate remedies.

Current List of Counseling Agencies by County

The Agency contracts with counseling agencies to help the homeowner submit an application to the Agency for HEMAP. A current list of counseling agencies can be found on the Agency's web site at <http://www.phfa.org/counseling/hemap.aspx>.

This list is current as of the date of publication of this notice and will be updated periodically by the Agency on the web site. Many of the counseling agencies serve more than one county or have multiple offices. A list of counseling agencies available for the county in which the property being foreclosed upon is located must be attached to or otherwise made a part of the Act 91 notice. If the property is located in more than one county a list of counseling agencies for each county in which it is located must be attached. Lenders should not attach a complete list of counseling agencies for all counties in this Commonwealth or for counties where the property is not located. This will only confuse homeowners and will make the notice defective.

Effective Dates

A. This notice takes effect immediately upon publication in the *Pennsylvania Bulletin* and the Agency will begin accepting applications for HEMAP under Act 91 and the Program guidelines. Applications are made through counseling agencies approved by the Agency, which are authorized to accept applications immediately.

B. Beginning October 2, 2012, a mortgagee or mortgage servicer must send homeowners an Act 91 notice under section 402-C of the act (35 P. S. § 1680.402c) prior to the beginning of any legal action including mortgage foreclosure. The mortgagee or other person sending the Act 91 notice must supply the Agency with either a copy of the Act 91 notice or information concerning notices sent under the act and 12 Pa. Code § 31.211 (relating to Act 91 Notices; information to be supplied to the Agency).

C. If a mortgagee or mortgage servicer began a legal action prior to the date referred to in previously listed paragraph B and an Act 91 notice was not sent to the homeowners because none was required under the act and the Program guidelines due to insufficient funding for continuation of the Program (see 41 Pa.B. 2789 and 41 Pa.B. 3943), the Agency strongly urges mortgagees and

mortgage servicers to advise homeowners and the homeowners attorney of record if applicable, of the restart of HEMAP and to provide them with an up-to-date list of counseling agencies available to help them make application to the Agency.

D. Homeowners who are currently in foreclosure and potentially eligible for HEMAP may apply for mortgage assistance even though they have not received an Act 91 notice due to the temporary suspension of the Program and the fact that mortgagees and mortgage servicers were not obligated to send Act 91 notices prior to the beginning of a foreclosure action. However, the homeowner is at risk of losing the home in foreclosure since the mortgagee or mortgage servicer is currently under no obligation to stay the foreclosure action pending the Agency's consideration of the HEMAP application. If a homeowner, who is currently in foreclosure but has not received an Act 91 notice, applies to the Agency for mortgage assistance, the mortgagee or mortgage servicer is strongly urged to stay all foreclosure action for a period of 60 days to allow the Agency to make a decision on the application. (The counseling agency and the Agency each routinely notify the mortgagee or the mortgage servicer that a HEMAP application has been filed.) It is highly recommended that homeowners facing a possible sheriff sale be provided an opportunity for the Agency to review and act upon their application for possible assistance.

E. If and when an application is approved by the Agency, the mortgagee or mortgage servicer shall promptly provide the Agency with reinstatement figures so that the Agency can get the HEMAP loan closed under 12 Pa. Code § 31.203(b)(11) (relating to notice; application procedures).

Interest Rate for HEMAP Loans Closed in 2012

Under section 406-C of the Housing Finance Agency Law (35 P. S. § 1680.406c), the Agency is to determine prior to the end of each calendar year, the rate of interest for HEMAP loans closed in the next calendar year, which rate is not to exceed the rate of interest established by the Department of Banking under section 301 of the act of January 30, 1974 (P. L. 13, No. 6), referred to as the Loan Interest and Protection Law, and referred to commonly as the Usury Law. The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2012 shall be 4.75%.

BRIAN A. HUDSON, Sr.,
Executive Director

(Rev. 9/2008)

Appendix A

Date: _____

**ACT 91 NOTICE
TAKE ACTION TO SAVE
YOUR HOME FROM
FORECLOSURE***

This is an official notice that the mortgage on your home is in default, and the lender intends to foreclose. Specific information about the nature of the default is provided in the attached pages.

The HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM (HEMAP) may be able to help to save your home. This Notice explains how the program works.

To see if HEMAP can help, you must MEET WITH A CONSUMER CREDIT COUNSELING AGENCY WITHIN 33 DAYS OF THE DATE OF THIS NOTICE. Take this Notice with you when you meet with the Counseling Agency.

The name, address and phone number of Consumer Credit Counseling Agencies serving your County are listed at the end of this Notice. If you have any questions, you may call the Pennsylvania Housing Finance Agency toll free at 1-800-342-2397. (Persons with impaired hearing can call (717) 780-1869).

This Notice contains important legal information. If you have any questions, representatives at the Consumer Credit Counseling Agency may be able to help explain it. You may also want to contact an attorney in your area. The local bar association may be able to help you find a lawyer.

LA NOTIFICACIÓN EN ADJUNTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COMPRENDE EL CONTENIDO DE ESTA NOTIFICACIÓN OBTENGA UNA TRADUCCIÓN INMEDIATAMENTE LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDE SER ELEGIBLE PARA UN PRÉSTAMO POR EL PROGRAMA LLAMADO "HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM" EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.

* (Must be at least 30 point type)

HOMEOWNER'S NAME(S): _____

 PROPERTY ADDRESS: _____

 LOAN ACCT. NO.: _____
 ORIGINAL LENDER: _____
 CURRENT LENDER/SERVICER: _____

HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE
WHICH CAN SAVE YOUR HOME FROM FORECLOSURE AND
HELP YOU MAKE FUTURE MORTGAGE PAYMENTS

IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE ACT OF 1983 (THE "ACT"), YOU MAY BE ELIGIBLE FOR EMERGENCY MORTGAGE ASSISTANCE:

- IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,
- IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND
- IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.

TEMPORARY STAY OF FORECLOSURE—Under the Act, you are entitled to a temporary stay of foreclosure on your mortgage for thirty (30) days from the date of this Notice (plus three (3) days for mailing). During that time you must arrange and attend a "face-to-face" meeting with one of the consumer credit counseling agencies listed at the end of this Notice. THIS MEETING MUST OCCUR WITHIN THIRTY-THREE (33) DAYS OF THE DATE OF THIS NOTICE. IF YOU DO NOT APPLY FOR EMERGENCY MORTGAGE ASSISTANCE, YOU MUST BRING YOUR MORTGAGE UP TO DATE. THE PART OF THIS NOTICE CALLED "HOW TO CURE YOUR MORTGAGE DEFAULT", EXPLAINS HOW TO BRING YOUR MORTGAGE UP TO DATE.

CONSUMER CREDIT COUNSELING AGENCIES—If you meet with one of the consumer credit counseling agency listed at the end of this notice, the lender may NOT take action against you for thirty (30) days after the date of this meeting. The names, addresses and telephone numbers of designated consumer credit counseling agencies for the county in which the property is located are set forth at the end of this Notice. It is only necessary to schedule one face-to-face meeting. Advise your lender immediately of your intentions.

APPLICATION FOR MORTGAGE ASSISTANCE—Your mortgage is in default for the reasons set forth later in this Notice (see following pages for specific information about the nature of your default.) You have the right to apply for financial assistance from the Homeowner's Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner's Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed at the end of this Notice. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. To temporarily stop the lender from filing a foreclosure action, your application MUST be forwarded to PHFA and received within thirty (30) days of your face-to-face meeting with the counseling agency

YOU SHOULD FILE A HEMAP APPLICATION AS SOON AS POSSIBLE. IF YOU HAVE A MEETING WITH A COUNSELING AGENCY WITHIN 33 DAYS OF THE POSTMARK DATE OF THIS NOTICE AND FILE AN APPLICATION WITH PHFA WITHIN 30 DAYS OF THAT MEETING, THEN THE LENDER WILL BE TEMPORARILY PREVENTED FROM STARTING A FORECLOSURE AGAINST YOUR PROPERTY, AS EXPLAINED ABOVE, IN THE SECTION CALLED "TEMPORARY STAY OF FORECLOSURE".

YOU HAVE THE RIGHT TO FILE A HEMAP APPLICATION EVEN BEYOND THESE TIME PERIODS. A LATE APPLICATION WILL NOT PREVENT THE LENDER FROM STARTING A FORECLOSURE ACTION, BUT IF YOUR APPLICATION IS EVENTUALLY APPROVED AT ANY TIME BEFORE A SHERIFF'S SALE, THE FORECLOSURE WILL BE STOPPED.

AGENCY ACTION—Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceedings will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT.
(If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

HOW TO CURE YOUR MORTGAGE DEFAULT (Bring it up to date).

NATURE OF THE DEFAULT—The MORTGAGE debt held by the above lender on your property located at:

IS SERIOUSLY IN DEFAULT because:

A. YOU HAVE NOT MADE MONTHLY MORTGAGE PAYMENTS for the following months and the following amounts are now past due:

Other charges (explain/itemize): _____

TOTAL AMOUNT PAST DUE: _____

B. YOU HAVE FAILED TO TAKE THE FOLLOWING ACTION (Do not use if not applicable):

HOW TO CURE THE DEFAULT—You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$ _____, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier’s check, certified check or money order made payable and sent to:

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter: (Do not use if not applicable.)

IF YOU DO NOT CURE THE DEFAULT—If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.

IF THE MORTGAGE IS FORECLOSED UPON—The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney’s fees that were actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney’s fees actually incurred by the lender even if they exceed \$50.00. Any attorney’s fees will be added to the amount you owe the lender, which may also include other reasonable costs. If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney’s fees.

OTHER LENDER REMEDIES—The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF’S SALE—If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff’s Sale. You may do so by paying the total amount then past due, plus any late or other charges then due, reasonable attorney’s fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff’s Sale as specified in writing by the lender and by performing any other requirements under the mortgage. Curing your default in the manner set forth in this notice will restore your mortgage to the same position as if you had never defaulted.

EARLIEST POSSIBLE SHERIFF’S SALE DATE—It is estimated that the earliest date that such a Sheriff’s Sale of the mortgaged property could be held would be approximately _____ months from the date of this Notice. A notice of the actual date of the Sheriff’s Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the lender.

HOW TO CONTACT THE LENDER:

Name of Lender: _____
 Address: _____

 Phone Number: _____
 Fax Number: _____
 Contact Person: _____
 E-Mail Address: _____

EFFECT OF SHERIFF’S SALE—You should realize that a Sheriff’s Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff’s Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at any time.

ASSUMPTION OF MORTGAGE—You _____ may or _____ may not (CHECK ONE) sell or transfer your home to a buyer or transferee who will assume the mortgage debt, provided that all the outstanding payments, charges and attorney’s fees and costs are paid prior to or at the sale and that the other requirements of the mortgage are satisfied.

YOU MAY ALSO HAVE THE RIGHT:

- TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)
- TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS,
- TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.
- TO SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.

CONSUMER CREDIT COUNSELING AGENCIES SERVING YOUR COUNTY

(Fill in a list of all Counseling Agencies listed in Appendix C, FOR THE COUNTY in which the property is located, using additional pages if necessary).

[Pa.B. Doc. No. 12-1613. Filed for public inspection August 17, 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, August 2, 2012, and announced the following:

Action Taken—Regulations Approved:

State Board of Medicine #16A-4925: MCARE Revisions (amends 49 Pa. Code (§§ 16.1, 16.18, 16.31—16.35, 17.4, 17.6 and 17.7))

State Board of Dentistry #16A-4624: Expanded Function Dental Assistant Scope of Practice and Continuing Education (amends 49 Pa. Code §§ 33.1, 33.205a and 33.402)

Approval Order

Public Meeting Held
August 2, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Dennis A. Watson, Esq., abstained

*State Board of Medicine—
MCARE Revisions;
Regulation No. 16A-4925 (#2956)*

On June 26, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code (§§ 16.1, 16.18, 16.31—16.35, 17.4, 17.6 and 17.7). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking amends the Board's regulations to conform to Act 13 of 2002, which repealed the Health Care Services Malpractice Act (40 P.S. § 1301.101—1301.1006) and enacted the Medical Care Availability and Reduction of Error (Mcare) Act (40 P.S. § 1303.101—1303.910). Because the Board's regulations reference the repealed Health Care Services Malpractice Act, the regulations must be amended to conform to current state statutes in order to avoid confusion within the regulated community and to provide appropriate references to current law.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 422.8) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
August 2, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Dennis A. Watson, Esq., abstained

*State Board of Dentistry—
Expanded Function Dental Assistant Scope of
Practice and Continuing Education;
Regulation No. 16A-4624 (#2908)*

On September 6, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code §§ 33.1, 33.205a, and 33.402. The proposed regulation was published in the September 17, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 26, 2012.

This regulation implements Act 19 of 2010, which amended the Dental Law to expand the scope of practice for expanded function dental assistants (EFDA) to include coronal polishing, performing fluoride treatments and taking impressions of teeth for limited purposes. The regulation also updates the continuing education subject areas, so that EFDAs can receive credit for coronal polishing training.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. §§ 122(d.1)(1), (j) and (o)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1614. Filed for public inspection August 17, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Arthur M. Yeager Agency, Inc. under Act 143; Westfield Insurance; Doc. No. AT12-08-001

A prereview telephone conference initiated by this office is scheduled September 19, 2012, at 10 a.m. A date for the review of the agency contract termination shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 4, 2012, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 18, 2012.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1615. Filed for public inspection August 17, 2012, 9:00 a.m.]

Agency Contract Termination of Hawk Insurance Agency, LLC under Act 143; Westfield Insurance Company; Doc. No. AT12-07-014

A prereview telephone conference initiated by this office is scheduled for September 20, 2012, at 9:30 a.m. A date for a review shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 5, 2012, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 19, 2012.

Persons with a disability who wish to attend the previously-referenced administrative review and require an auxiliary aid, service or other accommodation to participate in the review should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1616. Filed for public inspection August 17, 2012, 9:00 a.m.]

Appeal of Superior Petroleum Co., Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2009-0125(S); Doc. No. UT12-07-008

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant provisions of law.

A prehearing telephone conference will be held on September 25, 2012, at 10 a.m. 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, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before September 10, 2012. Answers to petitions to intervene, if any, shall be filed on or before September 24, 2012.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1617. Filed for public inspection August 17, 2012, 9:00 a.m.]

Highmark Health Insurance Company; Small Group Base Rating Formula Revisions for 4Q2012; Rate Filing

By filing No. 3A-PPO-12-HHIC, Highmark Health Insurance Company requests approval to update base rates applicable to small groups with effective dates between October 1, 2012, and December 31, 2012. The updates reflect an average base rate increase of 9.6% or \$63.54 per contract per month. The proposed rate increase would affect approximately 13,800 contract holders and would produce additional revenue of about \$10.56 million annually.

Unless formal administrative action is taken prior to November 1, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find..." click on "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1618. Filed for public inspection August 17, 2012, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings 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 hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Robert Cassidy; file no. 12-188-120229; Geico Casualty Company; Doc. No. P12-06-006; September 10, 2012, 1 p.m.

Appeal of Naushad Visram; file no. 12-183-117486; State Farm Mutual Automobile Insurance Company; Doc. No. P12-04-010; September 11, 2012, 9 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. 12-1619. Filed for public inspection August 17, 2012, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Rodger Caldwell, Jr.; file no. 12-198-120612; Insurance Placement Facility of Pennsylvania; Doc. No. P12-06-022; September 10, 2012, 9 a.m.

Appeal of Ralph Giugliano; file no. 12-114-119207; Cumberland Mutual Fire Insurance Company; Doc. No. P12-05-022; September 10, 2012, 10 a.m.

Appeal of Susanne Vaughan; file no. 12-183-122212; American National Property and Casualty Company; Doc. No. P12-07-012; September 10, 2012, 11 a.m.

Appeal of Edgar Colon; file no. 12-130-119277; Nationwide Property and Casualty Insurance Company; Doc. No. P12-05-013; September 10, 2012, 2 p.m.

Appeal of Patricia Gaffney; file no. 12-114-118979; Nationwide Property and Casualty Insurance Company; Doc. No. P12-05-019; September 10, 2012, 3 p.m.

Appeal of Tetyana Vasylenko; file no. 12-114-122545; State Farm Fire and Casualty Insurance Company; Doc. No. P12-08-002; September 11, 2012, 11 a.m.

Appeal of Edward and Melissa McLaughlin; file no. 12-114-120564; Bankers Standard Insurance Company; Doc. No. P12-06-013; September 11, 2012, 1 p.m.

Appeal of Edward and Melissa McLaughlin; file no. 12-114-120566; Bankers Standard Insurance Company; Doc. No. P12-06-014; September 11, 2012, 2 p.m.

The following hearing will be held in the Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Raymond and Rose Ann Anderson; file no. 12-183-121599; Donegal Mutual Insurance Company; Doc. No. P12-07-010; August 29, 2012, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1620. Filed for public inspection August 17, 2012, 9:00 a.m.]

State Farm Fire and Casualty Company; Homeowners; Rate and Rule Revision

On August 2, 2012, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a rate level change for homeowners insurance.

The company requests an overall 5.6% increase amounting to \$261,869,054, to be effective November 15, 2012, for new business and January 1, 2013, for renewal business. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to September 1, 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 regarding the filing to Michael McKenney, Insurance Department, Office of 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. 12-1621. Filed for public inspection August 17, 2012, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-12-006, Dated June 21, 2012. Collective Bargaining—Agreement authorizes the side letter with AFSCME that provides replacement language for first-level supervisory employees.

Resolution No. CB-12-007, Dated June 21, 2012. Collective Bargaining—Authorizing the 2011-2015 Collective Bargaining Agreement between the Commonwealth and the Instructional Non-Tenured Unit.

Resolution No. CB-12-008, Dated June 21, 2012. Collective Bargaining—Authorizing the 2011-2015 Collective Bargaining Agreement between the Commonwealth and AFSCME.

Resolution No. CB-12-009, Dated June 28, 2012. Collective Bargaining—Authorizing the 2011-2015 Memorandum of Understanding between the Commonwealth and AFSCME.

Resolution No. CB-12-010, Dated July 16, 2012. Collective Bargaining—2011-2015 MOU between the Commonwealth and the FOSCEP Supervisory Union.

Resolution No. CB-12-011, Dated July 16, 2012. Collective Bargaining—2011-2015 Collective Bargaining Agreement between the Commonwealth and the FOSCEP Union.

Governor's Office

Management Directive No. 205.23—Submission of Commonwealth Publications to the State Library for Distribution to Other Designated Libraries, Amended July 13, 2012.

Management Directive No. 310.37—Approving, Monitoring, and Accounting for New Information Technology Application Projects, Dated July 20, 2012.

Management Directive No. 520.3—Unclassified Codes, Amended July 10, 2012.

Management Directive No. 535.4—Use of State Work Program Trainee, County Work Program Trainee, Public Services Trainee and County Public Services Trainee Classes, Amended July 19, 2012.

Management Directive No. 580.37—Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service, Amended July 26, 2012.

Management Directive No. 590.8—Classification Grievance Processing, Amended July 9, 2012.

Management Directive No. 625.10—Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings, Amended June 29, 2012.

Administrative Circular No. 12-09—Requesting Segregation of Duties Waivers for Role Assignments in the SAP Enterprise Resource Planning System, Date June 27, 2012.

Administrative Circular No. 12-10—Revenue Estimates, 2012-13 & 2013-14 Fiscal Years, Dated July 13, 2012.

MARY JANE PHELPS,
Director

Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 12-1622. Filed for public inspection August 17, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 129 Energy Efficiency and Conservation Program Phase II; Doc. No. M-2012-2289411

At its August 2, 2012, public meeting, the Pennsylvania Public Utility Commission (Commission) adopted the Phase II Energy Efficiency and Conservation Program Implementation Order (Implementation Order) that extends the Act 129 Energy Efficiency and Conservation (EE&C) Program through May 31, 2016. The Commission set new required consumption reductions for each electric distribution company as well as guidelines for implementing Phase II of the EE&C Program. The Implementation Order is on the Commission's web site at <http://www.puc.state.pa.us/pedocs/1186974.doc>.¹

Questions regarding technical issues related to the Implementation Order are to be directed to Megan Good, Bureau of Technical Utility Services, (717) 425-7583 or megagood@pa.gov. Questions regarding legal and process

¹ Statements by Commissioner Cawley and Gardner can be found at <http://www.puc.state.pa.us/pedocs/1186760.pdf> and <http://www.puc.state.pa.us/pedocs/1186766.pdf>.

issues related to the Implementation Order are to be directed to Kriss Brown, Law Bureau, (717) 787-4518 or kribrown@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1623. Filed for public inspection August 17, 2012, 9:00 a.m.]

Notice to Water and Wastewater Utilities, Electric Distribution Companies, Natural Gas Distribution Companies, City Natural Gas Distribution Operations and Interested Parties

Implementation of Act 11 of 2012, M-2012-2293611 (August 2, 2012)

On August 2, 2012, the Pennsylvania Public Utility Commission (Commission) entered a final implementation order relative to the act of February 14, 2012 (P. L. 72, No. 11) (Act 11). Act 11 amended 66 Pa.C.S. Chapters 3 and 13 (relating to Public Utility Commission; and rates and distribution systems) to allow certain jurisdictional public utilities to base rate case claims on a fully-projected future test year, to allow wastewater utilities to allocate a portion of their revenue requirement to a combined wastewater and water utility customer base and to allow water and wastewater utilities, electric distribution companies (EDC), natural gas distribution companies (NGDC) and city natural gas distribution operations to petition for a distribution system improvement charge (DSIC). The order adopts procedures and guidelines, as well as a model tariff. Act 11 also increased the civil penalties in 66 Pa.C.S. Chapter 33 (relating to violations and penalties) for gas pipeline violations. This notice is merely a summary of some pertinent provisions of the order and does not contain all of the provisions of the order or Act 11.

To qualify for DSIC recovery, a utility must file a long term infrastructure improvement plan (LTIIP) for Commission approval. The LTIIP must be served on the statutory advocates and active parties in the utility's most recent base rate proceeding. An electronic copy in Word®-compatible format must be provided to Erin Laudenslager, Finance Manager, elaudensla@pa.gov, in the Commission's Bureau of Technical Utility Services (TUS). Interested entities will have 20 days to comment on a utility's LTIIP. NGDCs must continue to comply with 52 Pa. Code § 59.38 (relating to filing of major construction reports).

If a utility believes that any portion of its LTIIP qualifies as confidential security information under the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6) or merits proprietary and confidential treatment, then the utility must request a protective order in accordance with 52 Pa. Code § 5.423 (relating to orders to limit availability of proprietary information) and 52 Pa. Code Chapter 102 (relating to confidential security information).

Additionally, the Commission will initiate two rulemakings. The rulemaking at L-2012-2317274 will promulgate regulations regarding periodic review of LTIIPs in accordance with 66 Pa.C.S. § 1352(b)(1) (relating to long-term infrastructure improvement plan). The Law Bureau contact for L-2012-2317274 (LTIIP) is David Screven, Assistant Counsel, Law Bureau, dscreven@pa.gov. The rule-

making at L-2012-2317273 will promulgate regulations regarding the use of a future test year in accordance with 66 Pa.C.S. § 315 (relating to burden of proof). Further, the Law Bureau, in conjunction with TUS, will convene a stakeholder working group at M-2012-2317272 to consider cost of equity/return on equity issues related to DSIC. The Law Bureau contact for L-2012-2317273 (future test year) and M-2012-2317272 (working group) is Louise Fink Smith, Assistant Counsel, Law Bureau, finksmith@pa.gov. The contact for technical information regarding DSIC matters is Erin Laudenslager, Finance Manager, TUS, elaudensla@pa.gov.

A copy of the Act 11 final implementation order was served on all jurisdictional water and wastewater companies, EDCs, NGDCs and Philadelphia Gas Works and the statutory advocates. The order is posted on the Commission's web site at www.puc.state.pa.us. The order may be viewed (and copied, 75¢/page) at the Commission's Secretary's Bureau, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. This notice is merely a summary of some pertinent provisions of the order and does not contain all of the provisions of the order or Act 11.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1624. Filed for public inspection August 17, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 4, 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-2012-2302420. Vandoren C. Boone, t/a B-Line Van Services (5017 North Marvine Street, Philadelphia, Philadelphia County, PA 19141)—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 City and County of Philadelphia, to correctional facilities and amusement parks in Pennsylvania, and return.

A-2012-2304139. Eli Stoltzfus (P. O. Box 19, 102 Leisure Lane, Madisonburg, Centre County, PA 16852)—for the right to begin to transport, as a common carrier,

by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre County, to points in Pennsylvania, and return.

A-2012-2304624. Life Alert Ambulance, Inc. (10067 Sandmeyer Lane, Unit W-415, Philadelphia, PA 19116)—in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery; and the City and County of Philadelphia. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2012-2304628. Alite Limousine Service, LP, (416 Washington Avenue, Carnegie, Allegheny County, PA 15106)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Allegheny, Beaver, Butler, Clarion, Washington and Westmoreland, to points in Pennsylvania and return, excluding transportation under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David M. O'Boyle, Wick, Streiff, Meyer, O'Boyle & Szeligo, PC, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219-3455.

A-2012-2300845. Yourway Transport, Inc. (6681 Snowdrift Road, Allentown, Lehigh County, PA 18106)—persons in paratransit service, from points in the City of Allentown, Lehigh County, to the Sands Casino-Resort, located in the City of Bethlehem, Northampton County, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2012-2304950. B & N Piano Sales & Service, Inc. (2460 Dutton Mill Road, Aston, Delaware County, PA 19014)—household goods in use, from points in the County of Delaware to points in Pennsylvania.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2012-2302163. Peaks And Valleys Transport, LLC (1380 Route 286 Highway East, Indiana, Indiana County, PA 15701) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, from points in Indiana County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1625. Filed for public inspection August 17, 2012, 9:00 a.m.]

Telecommunications

A-2012-2317504. North-Eastern Pennsylvania Telephone Company and Service Electric Telephone, LLC. Joint petition of the North-Eastern Pennsylvania Telephone Company and Service Electric Telephone, LLC for approval of an agreement for local wireline network interconnection and traffic exchange under section 252(e) of the Telecommunications Act of 1996.

The North-Eastern Pennsylvania Telephone Company and Service Electric Telephone, LLC by its counsel, filed on August 3, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an agreement for local wireline network interconnection and traffic exchange 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 North-Eastern Pennsylvania Telephone Company and Service Electric Telephone, 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. 12-1626. Filed for public inspection August 17, 2012, 9:00 a.m.]

2013 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

Regulations promulgated by the Pennsylvania Public Utility Commission (Commission) at 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) direct the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2013 schedule of filing dates is as follows:

February 1, 2013: National Fuel Gas Distribution Corporation—PA Division; Peoples TWP

March 1, 2013: Philadelphia Gas Works

April 1, 2013: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2013: UGI Penn Natural Gas, Inc.; PECO—Gas Division; UGI Central Penn; UGI Utilities, Inc.,

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1627. Filed for public inspection August 17, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer

the rights held by EK Onkar Cab Co. (CPC No. 1000481-01, Medallion No. P-0870) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

A-12-08-03. HS Cab Co., 6706 Eastwood Street, Philadelphia, PA 19149, registered with the Commonwealth on November 27, 1995.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 3, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1628. Filed for public inspection August 17, 2012, 9:00 a.m.]

Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Isac Trans., Inc. (CPC No. 1023987-01, Medallion No. P-0011) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

A-12-07-07. Anmol Taxi, Inc., 213 Water Street, Ridley Park, PA 19078, registered with the Commonwealth on May 18, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 3, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1629. Filed for public inspection August 17, 2012, 9:00 a.m.]

Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA)

Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Kermanshah, Inc. (CPC No. 1022163-01, Medallion No. P-0775) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

A-12-08-01. Minhas Trans, Inc., 812 Gosham Road, Chester, PA 19380, registered with the Commonwealth on June 18, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 3, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1630. Filed for public inspection August 17, 2012, 9:00 a.m.]

Request for Information and Comment Concerning Act 119 of 2012

The act of July 5, 2012 (P. L. 1022, No. 119) (Act 119) which can be viewed at www.philapark.org/taxis-limousines/ was signed into law by Governor Corbett. Among the several provisions enumerated, Act 119 provides for immediate issuance for sale of 15 new medallions to be placed only on wheelchair accessible taxicabs with 15 additional medallions to be sold annually for the next 10 years for a total of 150 medallions slated for wheelchair accessible taxicabs in Philadelphia. Act 119 also provides for establishment of a wheelchair accessible taxicab driver training and certification program with substantial incentives for qualified drivers to participate.

The Philadelphia Parking Authority (Authority) is now tasked with establishing the regulatory framework for launching and maintaining a safe, reliable and robust system for supply of wheelchair accessible taxicab service to those individuals who need it, when and where they need it. While the Authority feels confident it will be able to do this in a timely manner, the Authority cannot do it alone and is seeking assistance through input from multiple entities whose areas of expertise or personal experience focus on at least some aspect of provision of this form of transportation.

Accordingly, the Taxicab and Limousine Division of the Authority seeks information and comment from the public at large, including the community of people with disabilities as well as from taxicab and limousine industry members concerning not only the issues specifically described as follows but any others that those commenting believe need to be considered.

The Authority welcomes comment from all concerning initial sale and/or distribution of the wheelchair accessible vehicles (WAV) medallions whether that be by public auction or by competitive bid through submitted proposals for all 15 medallions annually or some increment thereof over time.

The Authority is also interested in hearing thoughts concerning the optimal method for dispatch of WAV taxicabs given the current industry makeup which includes 14 certified dispatchers for the current total of 1,600 medallion taxicabs.

The Authority is keenly interested in hearing from vendors of WAVs suitable for taxicab service, WAV retrofit services and distributors of related equipment. The Authority wants to hear from those entities providing training programs for WAV drivers and regulatory/inspections staff. The Authority seeks input from vendors of software and payment programs for channeling governmental funds provided to people with disabilities for transportation in taxicabs.

Finally, the Authority is very interested in hearing from taxicab and limousine regulatory bodies in other jurisdictions where wheelchair accessible taxicab programs have already been implemented.

The Authority will post comments and information submittals on the Authority's web site at www.philapark.org on the Taxicab and Limousine page as they are received.

Forward written comments and information by the close of business on September 7, 2012, to the attention of Michele Ruffin, Executive Assistant, mruffin@philapark.org or Philadelphia Parking Authority, Taxicab

and Limousine Division, 2415 South Swanson Street, Philadelphia, PA 19148-4113.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1631. Filed for public inspection August 17, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Qualifications

The Philadelphia Regional Port Authority (PRPA) will accept Request for Qualifications (RFQ) for Project No. 12-069.0, for the purchase of 2 Ship to Shore Container Cranes. RFQ closes at 5 p.m., Friday, September 7, 2012. Information can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1632. Filed for public inspection August 17, 2012, 9:00 a.m.]

