

PENNSYLVANIA BULLETIN

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No. 454, September 2012

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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

Fiscal Notes

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

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

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendment to Pa.R.O.C.P. No. 15.6 and Explanatory Note

The Orphans' Court Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 15.6 to create a procedure for data collection for the Office of Children and Families in the Courts. The proposal also recommends the addition of an Explanatory Note to Rule 15.6 concerning this amendment. This proposal has not been submitted for review by the Supreme Court of Pennsylvania prior to publication.

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

The text of the proposed amendments to the rule follows the Explanatory Report. Additions are shown in bold; deletions are in bold and brackets.

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

Lisa M. Rhode, Counsel
Supreme Court of Pennsylvania
Orphans' Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9551
e-mail: orphanscourtproceduralrules@pacourts.us

no later than Monday, October 8, 2012.

*By the Orphans' Court
Procedural Rules Committee*

MARGARET GALLAGHER THOMPSON, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 15: ADOPTIONS

Rule 15.6. Notice to persons; method [and time]; certification filed at dependency docket.

(A) Notice to every person to be notified shall be by personal service, service at his or her residence on an adult member of the household, or by registered or certified mail to his or her last known address. If such service is unobtainable and the registered mail is returned undelivered, then:

(1) no further notice shall be required in proceedings under Rules 15.2 or 15.3, and

(2) in proceedings under Rules 15.4 and 15.5, further notice by publication or otherwise shall be given if required by general rule or special order of the local Orphans' Court. If, after reasonable investigation, the identity of a person to be notified is unknown, notice to him or her shall not be required.

(B) When the child is in the custody of a county agency:

(1) **within three (3) days of filing of a petition to terminate parental rights under Rules 15.2 or 15.4, or a petition to adopt under Rule 15.5, the county agency shall file a written certification with the clerk of courts where the child was declared dependent using the caption of the dependency proceeding, indicating the name of the petition and date of filing in substantially the following form:**

(Dependency Caption)

I hereby certify that the following has been filed on _____ with the orphans' court in _____ County concerning the above-child:

- A petition to relinquish parental rights of _____ .
- A petition to terminate parental rights of _____ .
- A petition for adoption.

Date: _____

On behalf of: (county agency)

(2) **within three (3) days of receiving the court's disposition of the petitions described in subparagraph (B)(1), the county agency shall file a written certification with the clerk of courts where the child was declared dependent using the caption of the dependency proceeding, indicating the disposition of the petition and date of the order in substantially the following form:**

(Dependency Caption)

I hereby certify that the following has been entered on _____ by the orphans' court in _____ County concerning the above-child:

- An order granting denying (circle one) the petition to relinquish parental rights of _____ .
- An order granting denying (circle one) the petition to terminate parental rights of _____ .

- With the above-order relinquishing or terminating parental rights, the child is available for adoption. Do not check if at least one parent still has parental rights.
- An order granting denying (circle one) the petition for adoption.

Date: _____

On behalf of: (county agency)

(3) if a notice of appeal from an order described in subparagraph (B)(2) is filed, then within three (3) days of service of the notice of appeal, the county agency shall file a written certification with the clerk of courts where the child was declared dependent using the caption of the dependency proceeding, indicating the date of the appeal in substantially the following form:

(Dependency Caption)

I hereby certify that an appeal has been filed on _____ concerning the above-child _____ from the following orphans' court order:

- An order granting denying (circle one) the petition to terminate parental rights of _____ .
- An order granting denying (circle one) the petition for adoption.

Date: _____

On behalf of: (county agency)

(4) within three (3) days of receiving the appellate court's disposition of the appeal described in subparagraph (B)(3), the county agency shall file a written certification with the clerk of courts where the child was declared dependent using the caption of the dependency proceeding, indicating the disposition of the appeal and the date of the decision in substantially the following form:

(Dependency Caption)

I hereby certify that the appeal from the orphans' court order concerning the above-child has been disposed on _____ in the following manner:

- Quashed Affirmed Reversed Vacated & Remanded
- Other: _____

Date: _____

On behalf of: (county agency)

Explanatory Note: This Rule was amended in 2012 to add paragraph (B). The purpose of this amendment was to provide a procedure for the collection of data concerning children who have been declared dependent under the Juvenile Act and placed in the custody of the county agency. The information is entered into the Common Pleas Case Management System-Dependency Module for federal reporting requirements and to monitor children in the foster care system. Unlike a "notice", as used in paragraph (A), the county agency is not required to serve the certification upon the other party to the dependency, termination, or adoption proceeding. The definition of "county agency" as used in this Rule is that contained in Pa.R.J.C.P. 1120. Where used in this Rule, "orphans' court" is intended to include the family court of the First Judicial District.

EXPLANATORY REPORT

Proposed Amendment to Pa.R.O.C.P. No. 15.6 & Explanatory Note

Certification Filed at Dependency Docket

Background

The Orphans' Court Procedural Rules Committee ("Committee") was approached by the Office of Children & Families in the Courts ("Office"), seeking assistance in the form of a procedural rule that would assist the Office in data collection and reporting. There is an impending federal requirement pursuant to the Court Improvement Project to report outcome data for dependent children. Relevant to this particular proposal, the data sought pertains to voluntary relinquishment of parental rights to a county agency, involuntary termination of parental rights initiated by a county agency, and adoption proceedings involving these dependent children, including appeals thereof.

At the state-level, the Court has expanded the Common Pleas Case Management System (CPCMS) to include a dependency module, which, among other things, enhances data collection and monitors children in dependency proceedings. However, the CPCMS does not yet include

orphans' court proceedings; nor does it appear that such an expansion will be implemented in time for the Office's reporting needs.

Absent a CPCMS orphans' court module, there is no automated way for the two court systems to exchange information. Since the CPCMS dependency module is operational, the Committee considered, *inter alia*, that data from the orphans' court docket be manually conveyed to the dependency court clerk for entry into the CPCMS dependency module so the necessary reports can be generated.

Precedent for using procedural rules to collect data exists with the coversheet requirement for civil actions. On February 25, 2010, the Court adopted Pa.R.C.P. No. 205.5, requiring a coversheet form to be filed with the prothonotary in civil actions for gathering caseload data by the type of case.

Proposed Rule

The procedure embodied in this recommendation would require the county agency to file a certification to be entered on the dependency court docket disclosing limited information about the orphans' court proceedings. In all of the proceedings, whether in the dependency court or orphans' court, the one ever-present party (other than the child) is the county agency. The county agency would

have knowledge of the placement of the child and the stage of the legal proceedings concerning the child; therefore, the rule requires the county agency to file the certification.

To maintain consistency of data collection and minimize administrative burden, the Committee proposes the use of a certification, substantially in the form contained in the proposed amendment of Rule 15.6(B).

[Pa.B. Doc. No. 12-1728. Filed for public inspection September 7, 2012, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 6]

Proposed Amendments to Pa.Rs.Crim.P. 571 and 602

The Supreme Court of Pennsylvania is considering amendments to Rules of Criminal Procedure 571 and 602 to clarify the procedures when a defendant fails to appear without cause for a court proceeding.

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

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

The Court requests that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Criminal Procedural Rules Committee through counsel,

Jeffrey M Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
Pennsylvania Judicial Center

601 Commonwealth Ave., Suite 6200, P. O. Box 62635
Harrisburg, PA 17106-2635
fax: (717) 231-9521 or e-mail: criminal.rules@pacourts.us
no later than Monday, October 8, 2012.

Annex A

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

PART G. Procedures Following Filing of Information

Rule 571. Arraignment.

* * * * *

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

(1) **of** the right to be represented by counsel;

(2) **of** the nature of the charges contained in the information[; **and**]

(3) **of** the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed[.]; **and**

(4) **that, if the defendant fails to appear without cause at any proceeding for which the defendant's presence is required, including trial, the defendant's absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant's absence.**

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

* * * * *

Paragraph (C)(4) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial.

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.

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 , 2012, effective , 2012.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed changes to paragraph (C)(4) concerning notice of consequences of failing to appear published for comment at 42 Pa.B. 5733 (September 8, 2012).

CHAPTER 6. TRIAL PROCEDURES IN COURT
CASES

PART A. General Provisions

Rule 602. Presence of the Defendant.

(A) The defendant shall be present at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule. The defendant's absence without cause shall not preclude proceeding with the trial, including the return of the verdict and the imposition of sentence. **If the defendant fails to appear without establishing cause for the failure, the judge may conduct the trial in the defendant's absence and shall conduct the trial upon request of the Commonwealth.**

(B) A corporation may appear by its attorney for all purposes.

Comment

The 2012 amendment to paragraph (A) requires the trial judge to conduct the trial in the defendant's absence upon the request of the Commonwealth when the defendant fails to appear without cause. To the extent that the case law makes the judge's decision completely discretionary, that case law is superseded by this rule.

Nothing in this rule is intended to preclude a defendant from affirmatively waiving the right to be present at any stage of the trial, *see, e.g., Commonwealth v. Vega*, 719 A.2d 227 (Pa. 1998) (plurality) (requirements for a knowing and intelligent waiver of a defendant's presence at trial includes a full, on-the-record colloquy concerning consequences of forfeiture of the defendant's right to be present) or from waiving the right to be present by his or her actions, *see, e.g., Illinois v. Allen*, 397 U.S. 337, 343 (1970) (“[A] defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom”).

A defendant's presence may be deemed waived by the defendant intentionally failing to appear at any stage of the trial. *See Commonwealth v. Wilson*, 551 Pa. 593, 712 A.2d 735 ([Pa.] 1998) (defendant, who fled courthouse after jury was impaneled and after subsequent plea negotiations failed, was deemed to have knowingly and voluntarily waived the right to be present); *Commonwealth v. Sullens*, 533 Pa. 99, 619 A.2d 1349 (1992) (when a defendant is absent without cause at the time his or her trial is scheduled to begin, the defendant may be tried *in absentia*).

[Former Rule 1117(c) was moved to Rule 462 (Trial *de novo*) in 2000 as part of the reorganization of the rules.]

Official Note: Rule 1117 adopted January 24, 1968, effective August 1, 1968; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; renumbered Rule 602 and amended March 1, 2000, effective April 1, 2001; amended December 8, 2000, effective January 1, 2001; **amended** , 2012, **effective 2012.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments concerning trials in the defendant's absence published for comment at 42 Pa.B. 5733 (September 8, 2012).

REPORT

Proposed amendments to Pa.Rs.Crim.P. 571 and 602

Trial in Absentia

This proposal is intended to address the concern that the number of cases in which a defendant, after receiving notice of a court proceeding, fails to appear without cause thus leading to unnecessary and lengthy delays. These delays have resulted in witnesses becoming unavailable.

One recommended solution has been to make changes to the rules to clarify that, when a defendant who has received notice of a trial proceeding fails to appear for a court proceeding without cause, the court may conduct the court proceeding in the defendant's absence. Also, when the attorney for the Commonwealth requests that the trial be conducted in the defendant's absence, the judge would be required to conduct the trial.

The Sixth Amendment of the United States Constitution, Article 1, § 9 of the Pennsylvania Constitution, and Rule of Criminal Procedure 602(A) guarantee the right of the accused to be present in court at every stage of a criminal trial, including the empaneling of the jury, the return of the verdict, and the imposition of sentence. However, a defendant may waive this right, expressly or by his or her actions. *See, e.g. Illinois v. Allen*, 397 U.S. 337, 343 (1970) (“[A] defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.”)

While the Commonwealth must prove by a preponderance of the evidence that the defendant waived the Constitutional right to be present, *Commonwealth v. Tizer*, 454 Pa.Super. 1, 684 A.2d 597 (1996), it is the defendant's burden to establish that his absence was “with cause.” *Commonwealth v. Bond*, 693 A.2d 220 (Pa.Super.1997), citing *Commonwealth v. Doleno*, 406 Pa.Super. 286, 594 A.2d 341 (1991).

This concept has been codified in Rule 602(A) since its adoption as then-Rule 1117(A) in 1967. A clarification was added to the Comment in 1998 following the decision in *Commonwealth v. Wilson*, 712 A.2d 735 (Pa. 1998), a case in which the defendant was deemed to have knowingly and voluntarily waived by his actions the right to be present when he fled the courthouse after the jury was impaneled.

However, when a defendant is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily, he is not absent “without cause” and therefore cannot be tried *in absentia*. *Commonwealth v. Bond*, 693 A.2d 220 (Pa.Super. 1997) (citing *Commonwealth v. Sullens*, 533 Pa. 99, 619 A.2d 1349 (1992)). *See also Commonwealth v. Hill*, 737 A.2d 255, (Pa.Super.,1999).

Therefore, in view of this caselaw, to provide further clarification in the rules, the proposed amendments would add the requirement to Rule 571 that, at arraignment, the defendant would be advised of the consequences, i.e. trial in absentia, for failing to appear for proceedings as required. This is comparable to the notice provided to the defendant under Rule 540 (Preliminary Arraignment) regarding the similar consequence to a defendant for failing to appear without cause for proceedings before an issuing authority.

Additionally Rule 602(A) would be amended to explicitly state that when a defendant fails to appear without cause, the judge may conduct the trial in the defendant's absence. However, if the judge determines that the defendant's absence was without cause and the Commonwealth requests that the trial proceed, the trial must be conducted.

[Pa.B. Doc. No. 12-1729. Filed for public inspection September 7, 2012, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 1]

Order Amending Rule 161 of the Rules of Juvenile Court Procedure; No. 576 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 23rd day of August, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3), 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 Rule 161 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 immediately.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

A. *Inspecting and copying.* Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying only by:

- 1) the juvenile's attorney;
- 2) the attorney for the Commonwealth;
- 3) the **State Sexual [Offender] Offenders** Assessment Board; [or]

- 4) **the Juvenile Court Judges' Commission; or**
- 5) any other person, agency, or department by order of court.

* * * * *

Official Note: Rule 161 adopted May 21, 2012, effective August 1, 2012. **Amended August 23, 2012, effective immediately.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 161 published with the Court's Order at 42 Pa.B. 5734 (September 8, 2012).

EXPLANATORY REPORT August 2012

The Supreme Court of Pennsylvania has adopted the modifications to Rule 161. This change is effective August 23, 2012.

Modifications to Rule 161 correct the name of the State Sexual Offenders Assessment Board and allow the Juvenile Court Judges' Commission to inspect and/or copy juvenile probation files.

Pursuant to 42 Pa.C.S. §§ 6309, 6373, and 6374, inspecting and copying juvenile probation files is necessary for the Juvenile Court Judges' Commission to fulfill its legislative mandate.

[Pa.B. Doc. No. 12-1730. Filed for public inspection September 7, 2012, 9:00 a.m.]

PART I. RULES

[237 PA. CODE CHS. 1, 11 AND 18]

[Correction]

Proposed Amendments to Rules 1151, 1152, 1154 and 1800 and New Rules 153, 157, 183, 1153 and 1183

An error occurred in the document which appeared at 42 Pa.B. 5470 (August 25, 2012). The due date for comments was inadvertently omitted. The correct version of the introductory language is as follows. Annex A is accurate as printed.

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 1151, 1152, 1154 and 1800 and new Rules 153, 157, 183, 1153, and 1183 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications establish the role and duties of attorneys in juvenile court proceedings.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than Monday, September 24, 2012.

*By the Juvenile Court
Procedural Rules Committee*

HONORABLE TODD A. HOOVER,
Chair

[Pa.B. Doc. No. 12-1633. Filed for public inspection August 24, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF COSMETOLOGY [49 PA. CODE CH. 7]

Corrective Amendment to 49 Pa. Code § 7.2

The State Board of Cosmetology has discovered a discrepancy between the agency text of 49 Pa. Code § 7.2 (relating to fees), as deposited with the Legislative Reference Bureau, and the official text published at 39 Pa.B. 219 (January 10, 2009) and as currently appearing in the *Pennsylvania Code*. The fee for licensure of a cosmetology school was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The State Board of Cosmetology has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 7.2. The corrective amendment to 49 Pa. Code § 7.2 is effective as of January 10, 2009, the effective date of adoption of the final-form rulemaking amending this section.

The correct version of 49 Pa. Code § 7.2 appears in Annex A.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY GENERAL PROVISIONS

§ 7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, nail technician, esthetician or natural hair braider	\$10
Licensure of cosmetology teacher or limited practice teacher	\$10
Licensure of cosmetology salon or limited practice salon	\$55
Licensure of cosmetology school	\$160
Licensure by reciprocity	\$20
Registration of cosmetology apprentice	\$70
Biennial renewal of nail technician license	\$35
Biennial renewal of esthetician license	\$35
Biennial renewal of cosmetologist license	\$35
Biennial renewal of natural hair braider license ..	\$35
Biennial renewal of cosmetology teacher or limited practice teacher license	\$55
Biennial renewal of cosmetology salon or limited practice salon license	\$60
Biennial renewal of cosmetology school license ...	\$150
Approval of cosmetology school supervisor	\$20
Change in cosmetology salon or limited practice salon (inspection required)	\$55
Change in cosmetology salon or limited practice salon (no inspection required)	\$15
Change in cosmetology school (inspection required)	\$110

Change in cosmetology school (no inspection required)	\$35
Reinspection of cosmetology salon or limited practice salon or cosmetology school	\$40
Certification of student or apprentice training hours	\$30
Verification of license, registration, permit or approval	\$15

[Pa.B. Doc. No. 12-1731. Filed for public inspection September 7, 2012, 9:00 a.m.]

STATE BOARD OF DENTISTRY [49 PA. CODE CH. 33]

Expanded Function Dental Assistant Scope of Practice and Continuing Education

The State Board of Dentistry (Board) amends §§ 33.1, 33.205a and 33.402 (relating to definitions; practice as an expanded function dental assistant; and continuing education subject areas) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

This final-form rulemaking is authorized by section 4 of the act of April 29, 2010 (P.L. 176, No. 19) (Act 19), which requires the Board to promulgate regulations within 18 months of its effective date (June 28, 2010); and by section 3(d.1), (j) and (o) of The Dental Law (act) (63 P.S. § 122(d.1), (j) and (o)), which authorizes the Board to regulate expanded function dental assistants (EFDA), regulate continuing education and promulgate regulations as may be deemed necessary by the Board and proper to carry into effect the powers conferred by the act.

Background and Purpose

Act 19 amended the act to expand the scope of practice of EFDAs to include performing coronal polishing, performing fluoride treatments and taking impressions of teeth for limited purposes. This final-form rulemaking amends § 33.205a to conform to Act 19. Additionally, the Board is concerned that many existing EFDAs may not have training in the area of coronal polishing. Therefore, the Board added a requirement that EFDAs, with three exceptions, complete 3 hours of continuing dental education in the area of coronal polishing. The three exceptions include the following: EFDAs who are also licensed as dental hygienists; EFDAs who completed coronal polishing training as part of the curriculum of a Board-approved EFDA training program after June 28, 2010; and EFDAs who took a qualifying 3-hour course in coronal polishing after June 28, 2010.

Summary of Comments

Notice of proposed rulemaking was published at 41 Pa.B. 4960 (September 17, 2011) with a 30-day public comment period. During the public comment period, the Board received comments from the Pennsylvania Dental Association (PDA), the Pennsylvania Dental Hygienists' Association (PDHA), Harcum College, David A. Schwartz,

D.D.S. and Nancy L. Schwartz, EFDA. In addition, as part of the review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), on October 26, 2011, the House Professional Licensure Committee (HPLC) submitted comments and on November 16, 2011, the Independent Regulatory Review Commission (IRRC) submitted comments. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. Following is a summary of the comments received and the Board's response.

First, David A. Schwartz, D.D.S. and Nancy L. Schwartz, EFDA submitted identical comments regarding the Board's proposal that EFDAs complete a 3-hour continuing education course in coronal polishing. First, the commentators suggested that 3 hours is excessive. The Board considered the comment, and with input from existing EFDA education programs, determined that a 3-hour course is appropriate. The Board notes that in some states dental assistants may perform coronal polishing only after qualifying for and passing an examination and obtaining a certificate from the state's dental board. Based on input from EFDA educators, the Board believes a 3-hour course is reasonable to adequately cover the didactic and clinical instruction required for an EFDA to perform coronal polishing within the standard of care expected by the Board. The commentators also asked whether there are enough facilities in place to give courses for EFDAs and still meet the deadline of March 31, 2013. Because the Board amended this final-form rulemaking to provide additional exemptions from the continuing education requirement for those EFDAs already trained in this area, the Board believes that the remaining EFDAs who have not yet completed the training will be able to locate qualifying courses. The Board encourages approved continuing education providers and EFDA education programs to develop and offer these courses if they have not already done so.

Harcum College asks whether "air polishing" would be included under § 33.205a(a)(1)(viii) as a type of "coronal polishing." The Board does not believe the legislative intent extends beyond the traditional method of polishing utilizing a hand-held rotary instrument with a rubber cup and a polishing agent. The Board intends "coronal polishing" to be limited to the removal of light plaque and extrinsic stain from the exposed surfaces of the teeth using a rotary instrument with a rubber cup or brush and a polishing agent. The Board also notes that many other states that permit dental assistants to perform coronal polishing limit it in a similar manner. For this reason, the Board added a definition of "coronal polishing" to § 33.1 to clarify its intent.

Harcum College also suggested that the Board add a prohibition that EFDAs may not perform "periodontal instrumentation" to reinforce that EFDAs should not be going beneath the gum line or performing procedures that they have not been trained to do. The Board believes that the addition of the definition of "coronal polishing" has clarified the limited extent of this expansion of the scope of practice for EFDAs. The Board believes it is unnecessary as part of this final-form rulemaking to draft a complete list of every dental and dental hygiene procedure an EFDA may not perform. However, the Board has also defined "coronal polishing" to specifically exclude the removal of calculus, which shall be performed by a dentist or dental hygienist.

Finally, Harcum College points out that many EFDAs were proactive and took continuing education courses to learn the additional skill of coronal polishing when the

act was amended and also that EFDA programs are now teaching the skill to current students. Harcum College argues that these individuals should be given credit for the training they have already received and should be exempt from the continuing education requirement. The Board agrees and amended this final-form rulemaking to provide for exemptions for EFDAs who can demonstrate that they have taken a qualifying course or obtained the training through an approved EFDA education program after the effective date of Act 19.

PDHA also suggested the Board include a prohibition to clarify that an EFDA may not perform "prophylaxis, scaling (supragingival and subgingival), as it pertains to the practice of dental hygiene, root planning or periodontal probing." As previously noted, the Board believes that the definition of "coronal polishing" clarifies the limited degree of this expansion of the scope of duties for EFDAs. Also, § 33.205 (relating to practice as a dental hygienist) permits dental hygienists to perform periodontal probing, scaling and root planning. Nowhere in the act or the Board's regulations is there an authorization for EFDAs to go beyond coronal polishing as that term is defined in § 33.1, to perform a complete oral prophylaxis or perform other procedures that are within the scope of practice of dental hygienists and dentists.

PDHA also noted that many EFDAs have already been trained in the area of coronal polishing and believes that this course work, even if completed prior to April 1, 2011, should be acceptable to the Board as having met the requirement for continuing education in coronal polishing. The Board agrees and amended this final-form rulemaking to add exemptions from the requirement as previously stated.

PDA also submitted comments regarding the proposed continuing education requirement. PDA joined other commentators in urging the Board to either delete the requirement or amend it to provide exceptions for EFDAs who received formal training in polishing restorations and those who are now graduating from accredited programs "who are sure to learn the skills necessary to perform coronal polishing on patients while they are enrolled in school." The Board declines to delete the requirement. However, the Board has provided for additional exemptions for EFDAs who have received qualifying training on coronal polishing after the effective date of Act 19. The Board determined that the effective date of Act 19 should govern because it was only upon that date that EFDAs were permitted to engage in coronal polishing, which previously was restricted to dentists and dental hygienists. The Board published regulations regarding EFDA program approval at 42 Pa.B. 769 (February 11, 2012) which require approved EFDA programs to include coronal polishing in the EFDA curriculum.

On October 26, 2011, the HPLC submitted one comment to the Board regarding the proposed continuing education requirement. The HPLC requested clarification as to whether this is an on-going continuing education requirement or a one-time demonstration of an additional 3 hours of training in coronal polishing and if not an on-going requirement, whether the Board intends to accept evidence of additional training in coronal polishing earned prior to April 1, 2011. The Board intends this to be a one-time demonstration of training in the area of coronal polishing. In addition, the Board is not requiring 3 additional hours of continuing education but that 3 of the 10 hours of continuing education already required as a condition of the renewal of the EFDA's certificate shall be completed in the area of coronal polishing. As previ-

ously noted, the Board agrees that EFDAs who received training in this area after the act was amended to permit them to perform coronal polishing should receive credit for that training and added additional exemptions to this final-form rulemaking. The Board believes it is in the best interest of the public health and safety to assure that EFDAs have received at least 3 hours of clinical training in this new area of practice.

IRRC submitted comments on the proposed rulemaking to the Board on November 16, 2011. First, IRRC noted the commentator who questioned whether air polishing would be included and suggested that adding a definition would improve clarity. The Board agrees and added a definition of "coronal polishing." Recognizing that the act explicitly states the procedures EFDAs cannot practice, IRRC asked whether the additional restrictions proposed by commentators are consistent with those in the act and, if so, whether the Board has considered including them in the final-form rulemaking. None of the procedures suggested by the public commentators (periodontal probing, scaling, root planning, and so forth) are included in the statutory list of prohibitions in section 11.10(b) of the act (63 P. S. § 130k(b)). The Board considered adding the suggested restrictions. However, the Board determined that it would be impossible to list all of the dental and dental hygiene procedures that an EFDA may not perform without leaving something out and risking an interpretation that a particular procedure was permitted simply because it was not included in the list of prohibitions. An EFDA is defined in section 2 of the act (63 P. S. § 121) as "an individual who holds a current valid certification under this act to perform reversible intraoral procedures authorized by this act under the direct supervision of a licensed dentist" and limits those procedures to those specified in section 11.10 of the act and other reversible procedures not designated by the act to be performed by licensed dentists and dental hygienists. The Board believes that the act and regulations are clear that the suggested procedures are to be performed by licensed dentists and dental hygienists and that the "expanded functions" that may be performed by EFDAs do not encompass the general practice of dental hygiene.

IRRC also raised six issues with regard to the new continuing education requirement regarding coronal polishing. First, in light of the comments received questioning the necessity of this training, IRRC asked the Board to explain not only the need for EFDAs to complete continuing education in this subject matter but also how the Board determined that 3 hours was an appropriate amount of training. As of June 28, 2010, the scope of practice of EFDAs was expanded to include coronal polishing, a procedure that until that date was performed exclusively by dentists and dental hygienists. The Board determined that in the interest of the public health and safety it should be necessary for EFDAs to demonstrate at least some minimal amount of training in coronal polishing. The Board conferred with EFDA educators to determine what they felt would be an adequate amount of time to provide a clinical course in coronal polishing. Based on the advice of these educators, the Board determined that 3 hours was adequate for an EFDA, who already has advanced training, to perform the procedure at a level within the standard of care expected by the Board. The Board notes that this requirement is significantly less burdensome than, for example, the contiguous state of Ohio, where a certified dental assistant is required to complete a 7-hour board-approved coronal polishing training program, pass an approved examina-

tion for coronal polishing and obtain a coronal polishing certificate from the Ohio board.

IRRC also asked the Board to clarify whether coronal polishing training received by certified EFDAs prior to April 1, 2011, would be accepted by the Board. As previously noted, the Board determined that it will accept evidence of appropriate training completed after the effective date of Act 19 instead of the required continuing education. IRRC also asked if there are existing certified EFDAs who would not have completed coronal polishing training and, if so, suggested that instead of applying to the current biennial renewal period, that the final-form rulemaking allow EFDAs certified by March 31, 2011, to complete coronal polishing continuing education hours prior to March 31, 2013. EFDA scope of practice did not include coronal polishing until June 28, 2010. Therefore, many existing EFDAs have not been trained to perform the function. It is this reason that the Board proposed the one-time 3-hour continuing education requirement. According to many of the public commentators, some proactive EFDAs, apparently recognizing their lack of training in this area, obtained training after the act was amended. For this reason, the Board amended this final-form rulemaking to provide an exemption from the continuing education requirement for EFDAs who have already received this training after the amendment to the act. However, remaining existing EFDAs who have not completed training in coronal polishing will need to complete training by March 31, 2013, as a condition of renewal of their licenses.

IRRC asked the Board to clarify whether there are enough existing coronal polishing course providers to allow existing EFDAs to meet the March 31, 2013, deadline. As previously noted, the Board believes the inclusion of the additional exemptions will reduce the demand for these courses and that the remaining EFDAs who have not yet completed the training will be able to locate qualifying courses. IRRC noted that EFDAs certified after March 31, 2011, shall complete coronal polishing during the first complete biennial renewal period after the initial certification is granted. However, many EFDAs certified after this date have already received this training as part of their formal education. IRRC asked whether the Board considered deleting § 33.402(g)(2) as unnecessary as suggested by PDA. While the Board agrees that many of the existing EFDA training programs have added training in the area of coronal polishing since the act was amended in 2010, the Board will not be able to confirm that they have all included this new function in their curricula until the Board implements the regulations regarding EFDA program approval. The Board recognizes that once the existing EFDA programs have been reviewed and approved by the Board, § 33.402(g)(2) will become less necessary as the exemption for EFDAs who have received this training as part of their formal education becomes the norm. However, until that time, the Board declines to delete § 33.402(g)(2). In general, the Board believes it is necessary to protect the public health and safety to assure that EFDAs have received this minimum amount of training in the area of coronal polishing.

IRRC noted that the Board reported in the Regulatory Analysis Form that the implementation of this final-form rulemaking will not impose costs on the regulated community. However, the proposed rulemaking also states that EFDAs may not complete their coronal polishing education hours online or through distance education. IRRC asks whether schools and providers offer this training at no cost to EFDAs and suggested that the

Board provide further explanation of the potential fiscal impact that may result from this new continuing education requirement. Because EFDAs are already required to complete 10 hours of continuing education as a condition of renewal, and at least 50% of those hours shall be completed through lecture or clinical courses, the Board determined that this requirement would not impose additional costs on the regulated community. The Board did not mean to imply that these courses cost nothing—but that they would be accepted as part of the existing requirement to complete continuing education. The Board recognizes that in-person, hands-on clinical courses may cost more than online or video courses. Those costs will be dictated by the course providers and the Board is unable to estimate with precision what the additional costs might be. However, the Board believes that it is important that EFDAs not only observe coronal polishing being performed but that they have an opportunity to perform the new skill as part of their training. For this reason, the Board made clarifying amendments in the final-form rulemaking requiring the continuing education in coronal polishing be conducted through hands-on, clinical courses.

Description of the Amendments to the Final-Form Rulemaking

The final-form rulemaking was amended to add a definition of “coronal polishing” in § 33.1 to clarify that the expansion in the scope of practice of EFDAs is limited to the supragingival removal of light plaque and extrinsic stain from the exposed natural and restored surfaces of the teeth using a rotary instrument with a rubber cup or brush and a polishing agent and does not include calculus removal. In addition, the Board amended the continuing education requirement to provide two additional exemptions for EFDAs who have completed coursework including coronal polishing as part of their education at a Board-approved EFDA education program or who have completed a course in coronal polishing of at least 3 hours offered by an approved program sponsor, at any time after June 28, 2010, the effective date of Act 19. Finally, the final-form rulemaking was amended to clarify that the required 3-hour course in coronal polishing may not be completed in a video, online or distance education course. The required 3-hour course shall be completed through a hands-on clinical course offered by an approved continuing education program sponsor or through an approved EFDA education program.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should not have fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking may have some minimal fiscal impact on the regulated community due to the requirement that the coronal polishing course be provided in a hands-on clinical context, rather than through video, online or distance education.

The final-form rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community. However, existing EFDAs will be required to certify completion of the required training, or the applicability of one of the three exemptions, when renewing their certificates in 2013.

Sunset Date

The Board continuously monitors the cost 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 September 6, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4960, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 1, 2012, the final-form rulemaking was approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 2, 2012, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 41 Pa.B. 4960.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.1, 33.205a and 33.402 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor’s Note: Section 33.1 was not included in the proposed rulemaking published at 41 Pa.B. 4960.)

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

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

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

PHILIP T. SIEGEL, D.D.S.,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 5452 (August 18, 2012).)

Fiscal Note: Fiscal Note 16A-4624 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

* * * * *

Continuing education certificate—A document prepared by the program sponsor which contains the title of the course, the dates attended or completed and the hours of education completed.

Coronal polishing—

(i) A procedure limited to the supragingival removal of light plaque and extrinsic stain from the exposed natural and restored surfaces of the teeth using a rotary instrument with a rubber cup or brush and a polishing agent.

(ii) The term does not include calculus removal.

Credit hour—A minimum unit of continuing education consisting of 60 minutes of instruction. Programs longer than 60 minutes will be credited in 30 minute increments.

* * * * *

Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

§ 33.205a. Practice as an expanded function dental assistant.

(a) *Scope of professional practice.*

(1) An expanded function dental assistant may offer to perform or perform the following services:

- (i) Placing and removing rubber dams.
- (ii) Placing and removing matrices.
- (iii) Placing and removing wedges.
- (iv) Applying cavity liners and bases.
- (v) Placing and condensing amalgam restorations.
- (vi) Carving and contouring amalgam restorations.
- (vii) Placing and finishing composite resin restorations or sealant material, or both.
- (viii) Performing coronal polishing as defined in § 33.1 (relating to definitions).
- (ix) Performing fluoride treatments, including fluoride varnish.
- (x) Taking impressions of teeth for study models, diagnostic casts or athletic appliances.

(2) Each of the professional services identified in paragraph (1) shall be performed under the direct supervision of a dentist.

(b) *Prohibitions.* An expanded function dental assistant may not perform the following procedures:

- (1) Complete or limited examination, diagnosis and treatment planning.
- (2) Surgical or cutting procedures of hard or soft tissue.

(3) Prescribing drugs, medicaments or work authorizations.

(4) Final inspection and approval of restorative and other treatment which affects occlusion and necessary occlusal adjustments.

(5) Pulp capping, pulpotomy and other endodontic procedures.

(6) Placement and intraoral adjustments of fixed and removable prosthetic appliances.

(7) Administration of local anesthesia, parenteral or inhalational sedation, nitrous oxide analgesia or general anesthesia.

(8) Take impressions other than for study models, diagnostic casts or athletic appliances.

(c) *Supervision.* Expanded function dental assistants shall perform under the direct supervision of a dentist. Direct supervision means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the expanded function dental assistant, and, before dismissal of the patient, personally evaluates the work performed by the expanded function dental assistant.

Subchapter F. CONTINUING DENTAL EDUCATION

§ 33.402. Continuing education subject areas.

(a) Except as provided in subsections (c)—(e), the required credit hours shall be completed in subjects which contribute directly to the maintenance of clinical competence of a dentist, dental hygienist, public health dental hygiene practitioner or expanded function dental assistant. Examples of acceptable subjects include:

- (1) Diagnosis and treatment of oral pathosis.
- (2) Clinical and technological subjects.
- (3) Emergency procedures excluding hours required for cardiopulmonary resuscitation (CPR) certification.
- (4) Infection control.
- (5) Abuse and neglect.
- (6) Medical and scientific subjects.

(7) Laws and regulations pertaining to dentists, dental hygienists and expanded function dental assistants.

(b) Credit hours will not be awarded in nonclinical subjects, including:

- (1) Billing.
- (2) Office management.
- (3) Practice building.
- (4) Insurance reimbursement.
- (5) Communication skills, except as provided in subsection (c).

(c) A dental hygienist may complete no more than three of the required 20 hours of continuing education in courses relating to communication skills.

(d) A public health dental hygiene practitioner shall complete five of the required 20 hours of continuing education in public health-related courses.

(e) A school dental hygienist who is certified as a public health dental hygiene practitioner and who, as a certified educational specialist is required to obtain continuing educational education under the act and under section

1205.2 of the Public School Code of 1949 (24 P.S. § 12-1205.2) may submit evidence of the completion of education courses approved for certification by the school district to meet the 20-hour continuing education requirement.

(f) A dental hygienist who holds a local anesthesia permit shall complete 3 of the required 20 hours of continuing education in courses related to the administration of local anesthesia, including pharmacology or other related courses.

(g) Expanded function dental assistants shall comply with the following:

(1) Except as provided in paragraph (2), expanded function dental assistants shall complete 3 of the 10 required hours of continuing education in the area of coronal polishing as follows:

(i) Unless an exemption applies, an expanded function dental assistant certified by the Board by March 31, 2011, shall complete the 3 hours of continuing education in the area of coronal polishing as a condition of renewal for the biennial period which begins on April 1, 2013.

(ii) Unless an exemption applies, an expanded function dental assistant certified by the Board after March 31, 2011, shall complete the 3 hours of continuing education

in the area of coronal polishing as a condition of renewal for the first complete biennial renewal period after initial certification.

(2) The following expanded function dental assistants are exempt from the requirement to complete 3 hours of continuing education in coronal polishing in paragraph (1):

(i) Expanded function dental assistants who are also licensed as dental hygienists.

(ii) Expanded function dental assistants who can document that they have completed coursework including coronal polishing as part of their education at a Board-approved EFDA education program at any time after June 28, 2010.

(iii) Expanded function dental assistants who can document that they have completed a course in coronal polishing of at least 3 hours offered by an approved program sponsor at any time after June 28, 2010.

(3) The requirements of this subsection may not be met through video, online or distance education, but shall be completed by physical attendance at a hands-on clinical training course offered by an approved program sponsor or an approved EFDA education program.

[Pa.B. Doc. No. 12-1732. Filed for public inspection September 7, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Social Workers, Marriage and Family Therapists and Professional Counselors

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to add § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family therapists and professional counselors) to read as set forth in Annex A.

Effective Date

The proposed civil penalties will be effective upon final-form publication in the *Pennsylvania Bulletin* and will apply to violations that occur on or after the effective date.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission regarding the conduct or operation of a business or facility licensed by a board or commission.

Background and Purpose

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive Act 48 citations retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented. Act 48 citations have become an important part of the Bureau's enforcement efforts.

Upon consultation with a representative of the Commissioner, the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) determined that it should utilize the Act 48 citation process to decrease costs to its licensees and more efficiently conduct its duties.

Description of the Proposed Amendments

The proposed rulemaking would add § 43b.24 to add a schedule of civil penalties for three general categories of matters that routinely arise before the Board: cases involving unlicensed individuals holding out as licensed; lapsed license cases; and cases involving violations of the continuing education requirements.

First, the Commissioner proposes to establish a schedule of civil penalties for unlicensed individuals who hold

themselves out as licensed or who use letters, words or symbols indicating or tending to indicate licensure without first having obtained a license from the Board. For this offense, the Commissioner is proposing a civil penalty of \$500 for first offenses. For second and subsequent offenses, formal administrative action would be required.

Additionally, section 20(a.1) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1920(a.1)) makes it unlawful for an individual to hold oneself out as a social worker, use the title "social worker" or use the abbreviation "S.W." unless the individual either holds a current license or has received a bachelor's, master's or doctoral degree from an accredited school or program of social work or social welfare. Accordingly, the Commissioner is proposing a similar schedule of civil penalties for individuals who violate this section of the act. For first offenses, the penalty would be \$500. Second and subsequent offenses would be subject to formal administrative action.

With regard to lapsed licenses, the Commissioner proposes a civil penalty of \$100 per month, up to the maximum \$1,000, for licensees who continue to hold themselves out as licensed social workers, licensed clinical social workers, licensed marriage and family therapists or licensed professional counselors, without a valid, unexpired license for 12 months or less. Second and subsequent offenses, or offenses continuing for over 12 months, would be subject to formal administrative action.

Finally, the Commissioner is proposing a schedule of civil penalties for violations of the Board's continuing education regulations. Failure of a licensed social worker, licensed clinical social worker, licensed marriage and family therapist, or licensed professional counselor to complete 30 clock hours of continuing education in acceptable courses offered by approved providers during the preceding biennium, including at least 3 clock hours in ethical issues would subject the licensee to a warning letter for less than 3 hours deficient, and a civil penalty of \$100 for each hour up to the maximum \$1,000, for 3 to 10 hours deficient. Deficiencies of more than 10 hours and second and subsequent offenses would result in formal administrative action. Notwithstanding disciplinary action taken for a continuing education violation, whether resulting in the issuance of a warning letter, issuance of a citation, or the imposition of formal discipline, licensees will be required, through a companion rulemaking of the Board, to make up deficiencies within 6 months.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would not have adverse fiscal impact on the Commonwealth or its political subdivisions and would reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board and commission to be self-supporting. Therefore, boards and commissions continually monitor the cost effectiveness of regulations affecting operations. As a result, 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, 28, 2012, the Commissioner 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 Commissioner, 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 Cynthia K. Montgomery, Regulatory Counsel, Department of State, Bureau of Professional and Occupational Affairs, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6917, Schedule of Civil Penalties—Social Workers, Marriage and Family Therapists and Professional Counselors, when submitting comments.

KATHERINE TRUE,
Commissioner

(Editor's Note: See 42 Pa.B. 5744 (September 8, 2012) for a proposed rulemaking by the Board relating to this proposed rulemaking.)

Fiscal Note: 16A-6917. 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 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.24. Schedule of civil penalties—social workers, marriage and family therapists and professional counselors.

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

*Violation under
63 P. S.*

Title/Description

Penalties

Sections 1904 and 1916

Holding oneself out as a licensed social worker, using the letters L.S.W. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed social worker without first having obtained a license from the Board

1st offense—\$500
2nd and subsequent offenses—formal action

Sections 1904 and 1916.1

Holding oneself out as a licensed clinical social worker, using the letters L.C.S.W. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed clinical social worker without first having obtained a license from the Board

1st offense—\$500
2nd and subsequent offenses—formal action

Sections 1904 and 1916.2

Holding oneself out as a licensed marriage and family therapist, using the letters L.M.F.T. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed marriage and family therapist without first having obtained a license from the Board

1st offense—\$500
2nd and subsequent offenses—formal action

Sections 1904 and 1916.3

Holding oneself out as a licensed professional counselor, using the letters L.P.C. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed professional counselor without first having obtained a license from the Board

1st offense—\$500
2nd and subsequent offenses—formal action

*Violation under
63 P. S.*

Section 1920(a)

Title/Description

Holding oneself out as a licensed social worker, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor on a lapsed or expired license

Penalties

1st offense—0 to 12 months—\$100 per month up to \$1,000; over 12 months—formal action
2nd and subsequent offense—formal action

Section 1920(a.1)

Holding oneself out as a social worker, using the title of “social worker” or using the abbreviation “S.W.” without meeting the definition of “social worker” in 63 P. S. § 1903

1st offense—\$500
2nd and subsequent offenses—formal action

*Violation under
49 Pa. Code*

Section 47.32(a)

Title/Description

Failure of a licensed social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues

Penalties

1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action
2nd and subsequent offenses—formal action

Section 47.32(b)

Failure of a licensed clinical social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues

1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action
2nd and subsequent offenses—formal action

Section 48.32

Failure of a licensed marriage and family therapist to complete 30 clock hours of continuing education in acceptable courses and programs offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues

1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action
2nd and subsequent offenses—formal action

Section 49.32

Failure of a licensed professional counselor to complete 30 clock hours of continuing education in acceptable courses and programs offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues

1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action
2nd and subsequent offenses—formal action

[Pa.B. Doc. No. 12-1733. Filed for public inspection September 7, 2012, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47, 48 AND 49]

Continuing Education Audit and Enforcement

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.37, 48.38 and 49.38 (relating to reporting by licensee of hours spent in continuing education; continuing education audit and enforcement) to read as set forth in Annex A.

Statutory Authority

Section 18(a) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63

P. S. § 1918(a)) authorizes the Board to promulgate regulations regarding continuing education.

Background and Purpose

The Board has determined that to be more efficient and cost-effective in handling certain classes of disciplinary matters, including those regarding some continuing education violations, the Board should make use of the citation process provided by section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)). A companion proposed rulemaking by the Commissioner of Professional and Occupational Affairs would set forth a schedule of civil penalties to allow agents of the Bureau of Professional and Occupational Affairs (Bureau) to issue citations imposing monetary civil penalties for continuing education violations involving deficiencies of 10 hours or less. Violations of more than 10 hours would still be handled through formal disciplinary proceedings. Historically, when the Board determined a continuing education violation had occurred, the Board would issue an order imposing discipline and directing that the deficiency be made up within 6 months. The Board has now determined that it is necessary to codify this practice to be able to make use of the more streamlined citation process and still assure that continuing education deficiencies are remedied in a timely manner.

Description of the Amendments

Sections 47.37, 48.38 and 49.38 are proposed to be amended to clarify that the Board will audit licensees to ensure compliance with the continuing education requirements. A licensee who, as a result of that audit, is determined to be deficient in acceptable continuing education hours is subject to disciplinary action, either through formal disciplinary proceedings or through the issuance of a citation. These sections are also proposed to be amended to provide that continuing education deficiencies identified through the audit shall be made up within 6 months from the issuance of a warning letter or citation or the imposition of discipline. Hours of continuing education used to make up for a deficiency may not be used to satisfy the continuing education requirement for the current biennium. Finally, proposed amendments clarify that the failure to make up deficiencies within that time frame will subject a licensee to additional disciplinary action.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial 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 28, 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 Cynthia K. Montgomery, Regulatory Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6918, Continuing Education Audit and Enforcement, when submitting comments.

DONNA A. TONREY, LMFT,
Chairperson

(Editor's Note: See 42 Pa.B. 5742 (September 8, 2012) for a proposed rulemaking by the Bureau relating to this proposed rulemaking.)

Fiscal Note: 16A-6918. 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 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

CONTINUING EDUCATION

§ 47.37. Reporting by licensee of hours spent in continuing education; **continuing education audit and enforcement.**

* * * * *

(b) The Board will randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to document the licensee's [**certification**] **completion of required continuing education**, which information [**shall**] **must** include the following:

* * * * *

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11 of the act (63 P. S. § 1911) or the issuance of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to additional disciplinary action under section 11 of the act.

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

CONTINUING EDUCATION

§ 48.38. Reporting by licensee of hours spent in continuing education; **continuing education audit and enforcement.**

* * * * *

(b) The Board will randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to document the licensee's [**certification**] **completion of required continuing education**. The information must include the following:

* * * * *

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11 of the act (63 P. S. § 1911) or the issuance

of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to further disciplinary action under section 11 of the act.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS
CONTINUING EDUCATION**

§ 49.38. Reporting by licensee of hours spent in continuing education; continuing education audit and enforcement.

* * * * *

(b) The Board will randomly audit licensees to ensure compliance with the continuing education

requirements. A licensee selected for audit shall provide information to document the licensee's [certification] completion of required continuing education. The information must include the following:

* * * * *

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11 of the act (63 P. S. § 1911) or the issuance of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to further disciplinary action under section 11 of the act.

[Pa.B. Doc. No. 12-1734. Filed for public inspection September 7, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective August 17, 2012.

The organization chart at 42 Pa.B. 5748 (September 8, 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. 12-1735. Filed for public inspection September 7, 2012, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective August 17, 2012.

The organization chart at 42 Pa.B. 5751 (September 8, 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. 12-1737. Filed for public inspection September 7, 2012, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

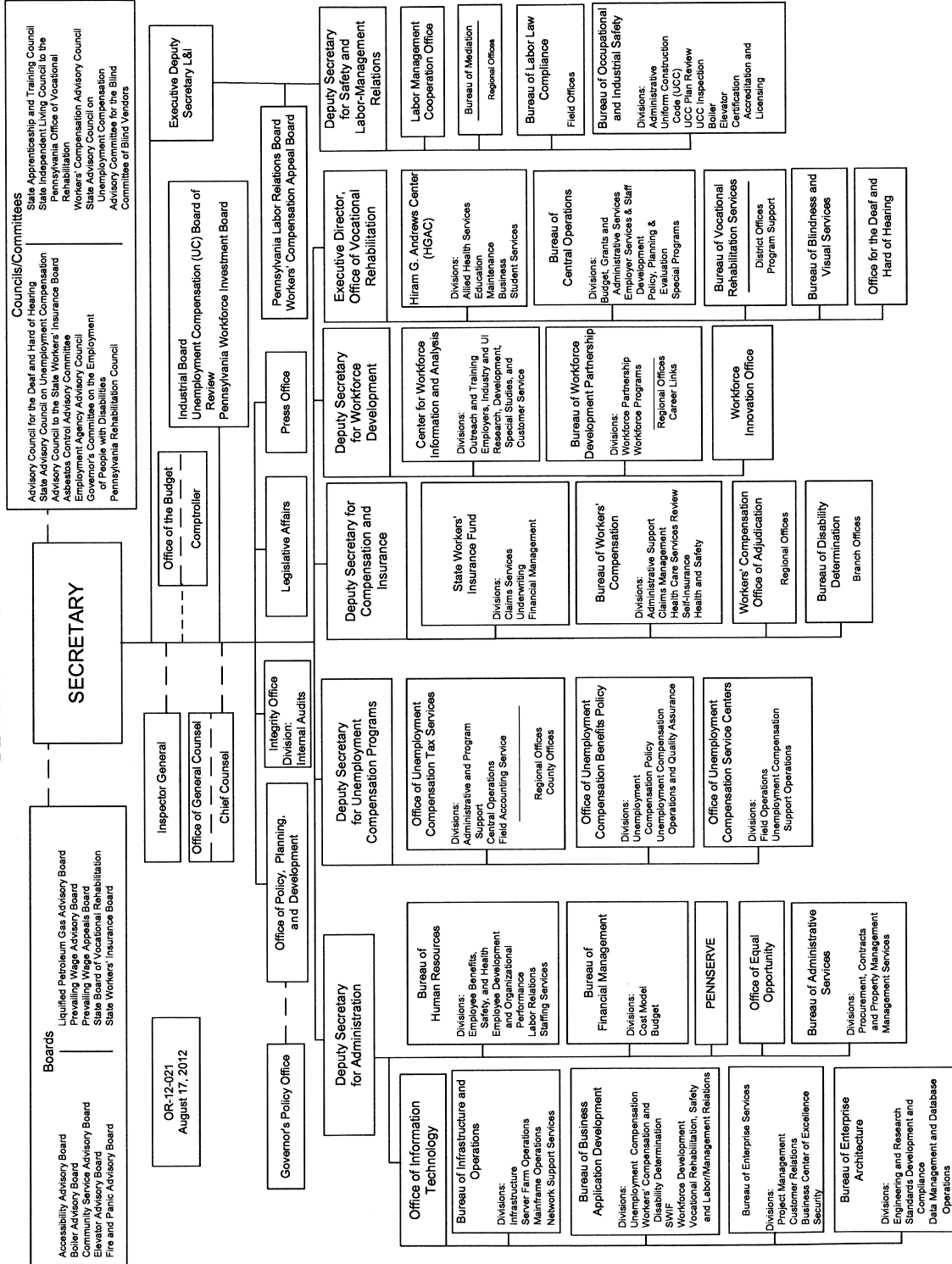
The Executive Board approved a reorganization of the Department of Public Welfare effective August 17, 2012.

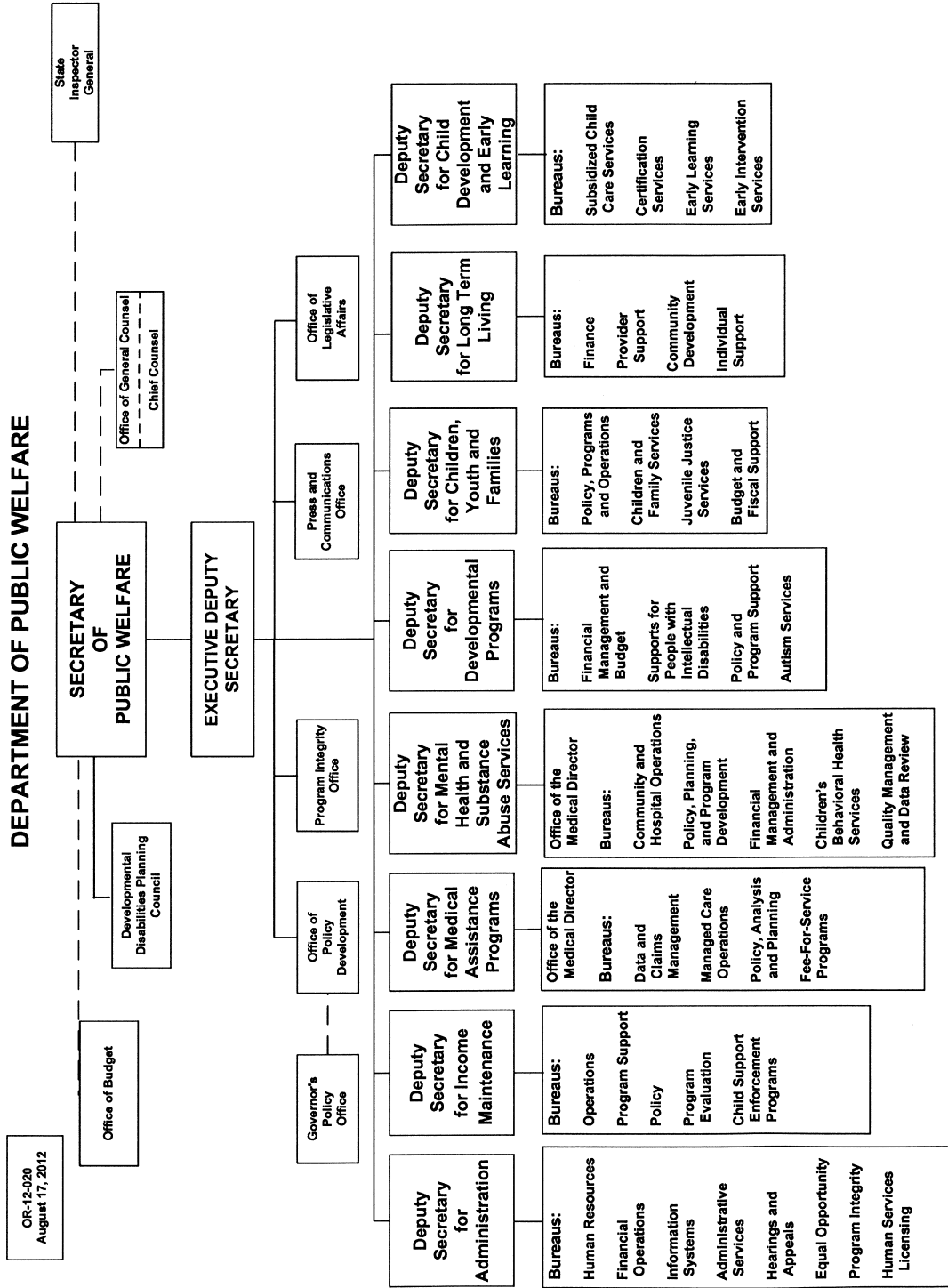
The organization chart at 42 Pa.B. 5749, 5750 (September 8, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(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. 12-1736. Filed for public inspection September 7, 2012, 9:00 a.m.]

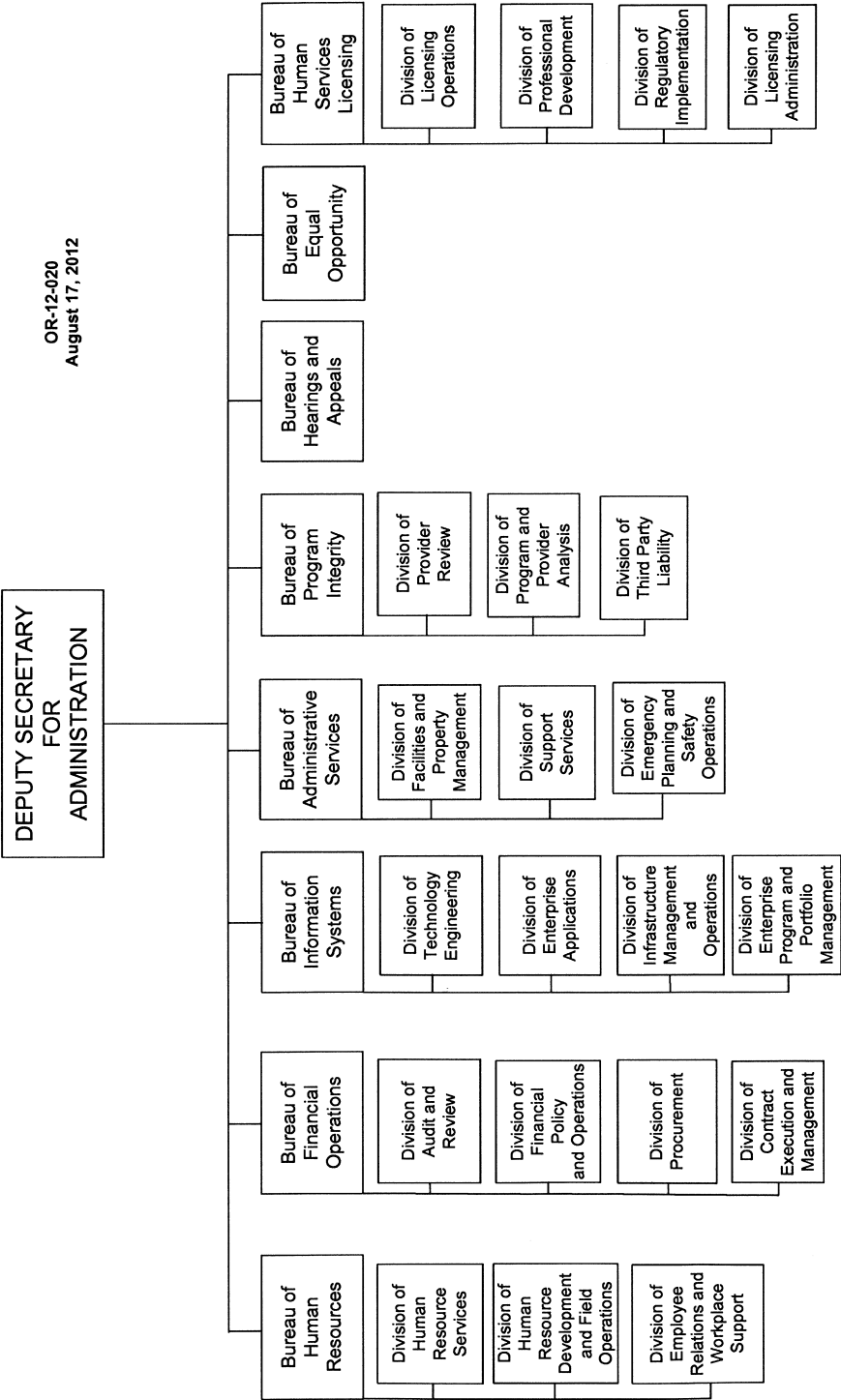
DEPARTMENT OF LABOR AND INDUSTRY

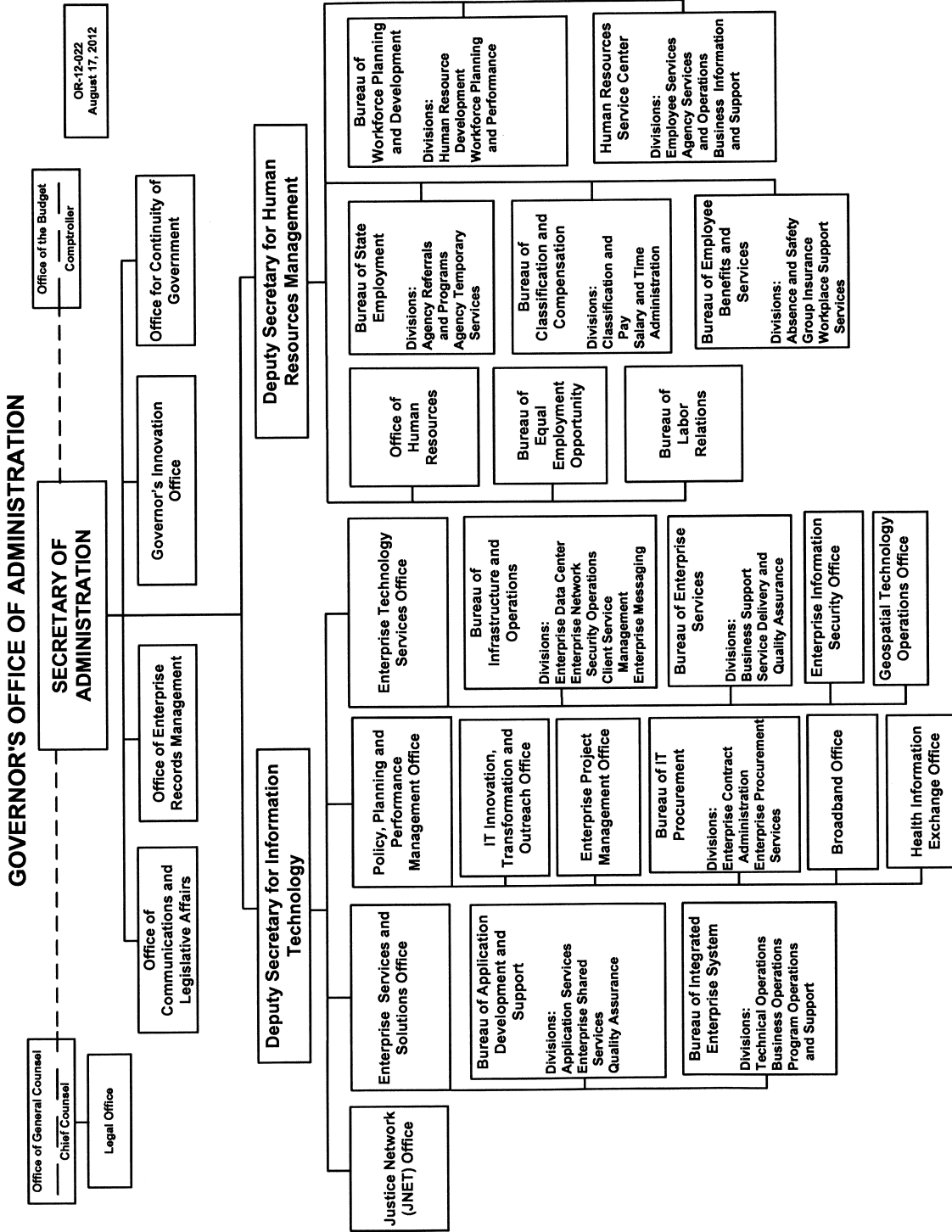




OR-12-020
August 17, 2012

DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR ADMINISTRATION





OR-12-022
August 17, 2012

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 731]

Early Warning System

Under section 611-A(c)(1) of the Public School Code of 1949 (code) (24 P.S. § 6-611-A(c)(1)), the Secretary of Education is required to “establish guidelines for the operation of the early warning system established under this section, including a description of the variables that will be used by the department to identify school districts in financial watch status”

The principal goal of Chapter 731 (relating to Early Warning System—statement of policy) is to identify and provide technical assistance to school districts to prevent them from becoming Financial Recovery Status school districts under Article VI-A(c) of the code (24 P.S. §§ 6-621-A—6-693-A).

Chapter 731 is effective upon publication in the *Pennsylvania Bulletin*.

RONALD J. TOMALIS,
Secretary

(Editor’s Note: Title 22 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 731.1 and 731.2 to read as set forth in Annex A.)

Fiscal Note: 6-327. (1) General Fund; (2) Implementing Year 2012-13 is \$220,000; (3) 1st Succeeding Year 2013-14 is \$341,400; 2nd Succeeding Year 2014-15 is \$442,642; 3rd Succeeding Year 2015-16 is \$443,922; 4th Succeeding Year 2016-17 is \$445,240; (4) 2011-12 Program—\$4,500,000; 2010-11 Program—\$4,500,000; 2009-10 Program—\$4,500,000; (7) Empowerment School Districts; (8) recommends adoption. The costs associated with the Early Warning System are included in and will be paid from the Empowerment School Districts appropriation.

Annex A

TITLE 22. EDUCATION

PART XXII. EARLY WARNING SYSTEM

Chap.
731. EARLY WARNING SYSTEM—STATEMENT OF POLICY

CHAPTER 731. EARLY WARNING SYSTEM—STATEMENT OF POLICY

Sec.
731.1. Technical assistance.
731.2. Early Warning System.

§ 731.1. Technical assistance.

The Department of Education will follow the process outlined as follows in identifying, notifying and providing technical assistance to school districts:

(1) Compile and maintain data and current information on the financial condition of school districts.

(2) Regularly analyze the financial condition of school districts.

(3) Identify school districts potentially subject to being identified as in financial watch status and therefore eligible to receive technical assistance from the Department.

(i) Level 1 Analysis—Early Warning System Components.

(ii) Level 2 Analysis—School district-provided current financial data.

(iii) Level 3 Analysis—Determination of financial watch status.

(4) Officially notify school districts in financial watch status and request additional information, if necessary, to conduct reviews of the financial condition of school districts.

(5) Provide technical assistance to school districts in financial watch status.

§ 731.2. Early Warning System.

Following are the guidelines of the Early Warning System.

I. Level 1 Analysis—Early Warning System Components

The Department will consider Budget and Other Financial Data, Additional Data relevant to financial condition, including Fiscal Measures and Socioeconomic Data, Act 47 Status of the host municipality, and Factors for Financial Recovery Status as part of the early warning system.

The variables below were tested for validity and reliability by applying an examination of the criteria to school districts across the Commonwealth. The Department will continuously monitor the variables to assure their effectiveness.

A. Budget and other financial data

Components in this level will be calculated from the most recent school district-reported data submitted to the Pennsylvania Department of Education on the Annual Financial Report. The Department will analyze and compile and review this data to identify trends which may indicate challenging financial circumstances and/or a troubling financial outlook for a school district.

The following components will be considered in this initial analysis: Fund Balance Ratio, Borrowing Base Capacity, and Debt Ratio. A Basic Education Funding advance or a bond intercept payment may also be considered in the initial analysis.

1. *Fund Balance Ratio.* Fund balance ratio indicates how much cash the school district has on hand in the event that an unanticipated need arises. A higher fund balance ratio indicates a greater ability to meet fiscal obligations. The fund balance ratio will be calculated by: a school district’s total assets minus its total liabilities divided by the total general fund expenditures.

2. *Borrowing Base Capacity Available.* Borrowing base capacity indicates to what extent a school district, according to law, can incur additional debt. A higher borrowing base capacity available indicates a greater ability to borrow more money. The borrowing base capacity will be calculated by: a school district’s total debt that can be incurred minus the total outstanding debt, divided by the total amount of debt that can be incurred, according to the Local Government Unit Debt Act (LGUDA).

3. *Debt Ratio.* Debt ratio can be used to determine the school district’s ability to be approved to add additional debt. A lower debt ratio indicates increased ability to incur more debt. Debt ratio will be calculated by: a school district’s total debt service payments divided by total expenditures (for all funds). A three-year average will be used.

4. *Advance BEF/Basic Education Funding.* BEF allocation payment made, pursuant to School Code section 2517(e), in advance of the dates set forth in section 2517(c) may indicate a decreased ability to meet fiscal obligations. Basic Education Funding advances may be a

warning sign that a school district is experiencing difficulty managing its cash flow.

5. *Bond Intercept.* An agreement entered into between a school district, the Department of Education and a bond trustee to have the Department make bond payments directly to a trustee via deduction from the school district's subsidies. Bond intercept payments may indicate decreased ability to meet fiscal obligations.

B. Additional data relevant to financial condition

1. *Fiscal measures and socioeconomic data.* The following other fiscal and socioeconomic components will be analyzed: Market Value/MV/Personal Income (PI) Aid Ratio, Equalized Mills and School Tax Ratio.

a. *Market Value (MV)/Personal Income (PI) Aid Ratio.* A school district's combined market value (MV) and personal income (PI) wealth for each resident student as compared to the state average. The lower the MV/PI Aid Ratio, the less dependent the school district is on state funding. Market value/personal income aid ratio demonstrates the financial "wealth" of a school district.

b. *Equalized Mills.* A school district's total taxes collected divided by its taxable market value as certified by the State Tax Equalization Board. A higher equalized mills ranking indicates a greater taxation effort on the part of taxpayers when compared to other school districts. High equalized mills indicate a decreased ability to raise additional funds via taxes. Equalized mills compare the property tax burden in the school district against all other school districts in Pennsylvania. This indicator shows, in relative terms, how this school district's tax burden is ranked based on property values.

c. *School Tax Ratio.* A school district's total taxes collected divided by the personal income of its resident taxpayers. A higher school tax ratio indicates a greater taxation effort on the part of taxpayers when compared to other school districts. High school tax ratio indicates a decreased ability to raise additional funds via taxes. School tax ratio compares the personal income tax burden in the school district against all other school districts in Pennsylvania. This indicator puts, in relative terms, how this school district's tax burden is ranked based on personal income.

2. *Act 47 status.* The Department will also consider whether any political subdivision located within the school district is declared as financially distressed by the Pennsylvania Department of Community and Economic Development under the Financially Distressed Municipalities Act (Act of 1987, P. L. 246, No. 47), also known as Act 47.

3. *Factors for financial recovery status.* The Department may include in its analysis of early warning system components the factors the Secretary may consider in determining whether to issue a declaration that a school district is in financial recovery status pursuant to section 621-A(a)(2)(1) of the School District Financial Recovery Act.

II. Level 2 Analysis—School district-provided current financial data

A. Upon completion of the Level 1 analysis, the Department will determine if a school district may be experiencing financial difficulty. Affected school districts will be contacted by the Department and will be asked to provide additional, current information about their financial status. The Department may require information including, but not limited to:

1. Current Budget
2. Cash Flow analysis
3. Fund balances
4. Status of audits

Per the timeline in Act 141, a school district will have 15 days to respond to the Department's request.

B. Upon receipt of the additional financial data, the Department will, working directly with the school district, ensure the accuracy and timeliness of the data, analyze the data, and share the results of the analysis with the school district superintendent.

C. As part of the information gathering process, the Department may consult with and interview school district officials as needed.

III. Level 3 Analysis—Determination of Financial Watch Status

A. Based on the Department's analysis of Level 1 and Level 2 information, the Department may decide to monitor the school district or designate the school district as being in financial watch status.

B. *Notification*—The Department will notify the school district, including the superintendent, Board President and Solicitor, if the school district is designated as being in financial watch status.

C. *Technical Assistance*—The Department will provide technical assistance to any school district designated as being in financial watch status.

[Pa.B. Doc. No. 12-1738. Filed for public inspection September 7, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 21, 2012.

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

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-10-2012	Lovell Minnick Partners and related entities 150 North Radnor Chester Road, Suite A200 Radnor, PA 19087 Application for approval to acquire up to 24.9% of the common stock of TriState Capital Holdings, Inc., Pittsburgh.	Effective

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-17-2012	Wesbanco, Inc. Wheeling Ohio County, WV Application for approval to acquire 100% of Fidelity Bancorp, Inc., Pittsburgh, and thereby indirectly acquire 100% of Fidelity Savings Bank, Pittsburgh.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-17-2012	Peoples Neighborhood Bank Hallstead Susquehanna County	275 Main Street Binghamton Broome County, NY	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-13-2012	Northwest Savings Bank Warren Warren County	499 River Road Weedville Elk County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

Branch Relocations

8-15-2012	Belco Community Credit Union Harrisburg Dauphin County	<i>To:</i> Paxton Street and 40th Street Harrisburg Dauphin County <i>From:</i> 403 North Second Street Harrisburg Dauphin County	Approved
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The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-1739. Filed for public inspection September 7, 2012, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, September 26, 2012, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 12-1740. Filed for public inspection September 7, 2012, 9:00 a.m.]

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on September 12, 2012, from 1 p.m. to 3:30 p.m. at the Giant Food Store Community Center—Blue Mountain Commons, 2nd Floor, Blue Mountain and Dauphin Meeting Rooms, 2300 Linglestown Road, Harrisburg, PA 17110, (717) 545-0489. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at www.ddap.pa.gov.

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information, visit the Department's web site or contact Roseann Deutsch, Chief, Administrative Section at (717) 783-8200.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Roseann Deutsch at (717) 783-8200

This meeting is subject to cancellation without notice.

GARY TENNIS, Esq.,
Secretary

[Pa.B. Doc. No. 12-1741. Filed for public inspection September 7, 2012, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Allegany College of Maryland to Offer General Education Courses to Students in the Southern Fulton School District in Warfordsburg, PA

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Allegany College of Maryland based in Cumberland, MD, to offer general education courses to students in the Southern Fulton School District in Warfordsburg, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Rod Niner, Higher Education Associate, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-9239 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the previously mentioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Dr. Rod Niner at (717) 783-9239 to discuss how the Department may best accommodate their needs.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 12-1742. Filed for public inspection September 7, 2012, 9:00 a.m.]

Standardized Arrest and Conviction Form for Current and Prospective Employees of Public and Private Schools

In accordance with section 111(j) of the Public School Code of 1949 (act) (24 P. S. § 1-111(j)), the Department of Education (Department) publishes the standardized form that has been developed by the Department to be used by current and prospective employees of public and private schools, intermediate units and area vocational-technical schools for them to report any arrest or conviction for an offense enumerated under section 1-111(e) and (f.1) of the act.

RONALD J. TOMALIS,
Secretary

**ARREST/CONVICTION REPORT AND CERTIFICATION FORM
(under Act 24 of 2011 and Act 82 of 2012)**

Section 1. Personal Information

Full Legal Name: _____

Date of Birth: ____/____/____

Any former names
by which you have
been identified: _____

Section 2. Report of Arrest or Conviction

By checking this box, I report that I have been arrested for or convicted of an offense or offenses enumerated under 24 P.S. §§1-111(e) or (f.1) ("Reportable Offense(s)"). See Instructions on Page 3 of this Form for a list of Reportable Offenses. If you have none to report, proceed to Section 3 of this form.

Details of Arrests or Convictions

For each arrest for or conviction of any Reportable Offense, specify in the space below (or on additional attachments if necessary) the offense for which you have been arrested or convicted, the date and location of arrest and/or conviction, docket number, and the applicable court.

Section 3. No Arrest or Conviction

By checking this box, I state that I have not been arrested for or convicted of any Reportable Offense.

Section 4. Certification

By signing this form, I certify under penalty of law that the statements made in this form are true, correct and complete. I understand that false statements herein, including, without limitation, any failure to accurately report any arrest or conviction for a Reportable Offense, shall subject me to criminal prosecution under 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Signature

Date

INSTRUCTIONS

This standardized form (PDE-6004) has been developed by the Pennsylvania Department of Education, pursuant to 24 P.S. §1-111(j), to be used by current and prospective employees of public and private schools, intermediate units and area vocational-technical schools for the written reporting by current and prospective employees of any arrest or conviction for an offense enumerated under 24 P.S. §§1-111(e) and (f.1).

As required by subsection (j)(2) of 24 P.S. §1-111, this form shall be completed and submitted by all current and prospective employees of a public or private school, intermediate unit or area vocational-technical school. In addition, as required by subsection (j)(4) of 24 P.S. §1-111, this form shall be utilized by current and prospective employees to provide written notice within seventy-two (72) hours after an arrest or conviction for an offense enumerated under 24 P.S. §§1-111(e) or (f.1).

Exemption: Any current employee who completed a PDE-6004 on or before December 27, 2011, in compliance with 24 P.S. §§1-111(j)(1) and (2) on that date, and who has not been arrested for or convicted of an offense enumerated under 24 P.S. §§1-111(e) and (f.1) shall not be required to complete an additional form.

In accordance with 24 P.S. §1-111, employees completing this form are required to submit the form to the administrator or other person responsible for employment decisions in a school entity.

If you have questions regarding to whom the form should be sent, please contact your supervisor or the school entity administration office.

PROVIDE ALL INFORMATION REQUIRED BY THIS FORM LEGIBLY IN INK.

LIST OF REPORTABLE OFFENSES

- **A reportable offense enumerated under 24 P.S. §1-111(e) consists of any of the following:**
 - (1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
 - Chapter 25 (relating to criminal homicide)
 - Section 2702 (relating to aggravated assault)
 - Section 2709.1 (relating to stalking)
 - Section 2901 (relating to kidnapping)
 - Section 2902 (relating to unlawful restraint)
 - Section 2910 (relating to luring a child into a motor vehicle or structure)
 - Section 3121 (relating to rape)
 - Section 3122.1 (relating to statutory sexual assault)
 - Section 3123 (relating to involuntary deviate sexual intercourse)
 - Section 3124.1 (relating to sexual assault)
 - Section 3124.2 (relating to institutional sexual assault)
 - Section 3125 (relating to aggravated indecent assault)
 - Section 3126 (relating to indecent assault)
 - Section 3127 (relating to indecent exposure)
 - Section 3129 (relating to sexual intercourse with animal)
 - Section 4302 (relating to incest)
 - Section 4303 (relating to concealing death of child)
 - Section 4304 (relating to endangering welfare of children)
 - Section 4305 (relating to dealing in infant children)
 - A felony offense under section 5902(b) (relating to prostitution and related offenses)
 - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
 - Section 6301(a)(1) (relating to corruption of minors)
 - Section 6312 (relating to sexual abuse of children)
 - Section 6318 (relating to unlawful contact with minor)
 - Section 6319 (relating to solicitation of minors to traffic drugs)
 - Section 6320 (relating to sexual exploitation of children)
 - (2) An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
 - (3) An offense SIMILAR IN NATURE to those crimes listed above in clauses (1) and (2) under the laws or former laws of:
 - the United States; or
 - one of its territories or possessions; or
 - another state; or
 - the District of Columbia; or
 - the Commonwealth of Puerto Rico; or
 - a foreign nation; or
 - under a former law of this Commonwealth.
- **A reportable offense enumerated under 24 P.S. §1-111(f.1) consists of any of the following:**
 - (1) An offense graded as a felony offense of the first, second or third degree, other than one of the offenses enumerated under 24 P.S. §1-111(e), if less than (10) ten years has elapsed from the date of expiration of the sentence for the offense.
 - (2) An offense graded as a misdemeanor of the first degree, other than one of the offenses enumerated under 24 P.S. §1-111(e), if less than (5) five years has elapsed from the date of expiration of the sentence for the offense.
 - (3) An offense under 75 Pa.C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance) graded as a misdemeanor of the first degree under 75 Pa.C.S. § 3803 (relating to grading), if the person has been previously convicted of such an offense and less than (3) three years has elapsed from the date of expiration of the sentence for the most recent offense.

PDE-6004 (8/28/2012)

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: Clean Water 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>
PA0065170 (Sewage)	Benton Park STP Franklin Valley Road Fleetville, PA 18420-0188	Lackawanna County Benton Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y

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

<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>
PA0115231 (Sewage)	Woodland Bigler Area Authority WWTP 2912 Hogback Road Mineral Springs, PA 16878	Clearfield County Bradford Township	Roaring Run (8-C)	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>
PA0221503 (Sewage)	Crab Apple Ridge Golf Course SFTF 10085 Peach Street Waterford, PA 16441	Erie County Waterford Township	Unnamed tributary to LeBoeuf Creek (16-A)	Y
PA0100382 (Industrial Waste)	Erie Coke Corporation Foot of East Avenue Erie, PA 16512-6180	Erie County City of Erie	Presque Isle Bay-Outer Harbor (15)	Y
PA0033146 (Sewage)	Countryside Convalescent Home, 8221 Lamor Road, Mercer, PA 16137	Mercer County East Lackawannock Township	Unnamed Tributary to the Neshannock Creek (20-A)	Y
PA0102601 (Sewage)	Franklin Mobile Home Village Village Drive Butler, PA 16001	Butler County Franklin Township	Unnamed Tributary to Mulligan Run (20-C)	Y

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

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

PA0026468, Sewage, SIC Code 4952, **Lower Bucks County Joint Municipal Authority**, PO Box 460, Levittown, PA 19058-0460. Facility Name: Lower Bucks WWTP. This existing facility is located in Bristol Township, **Bucks County**.

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

The receiving stream(s), Delaware River, is located in State Water Plan watershed 2-E and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 10 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Daily Maximum</i>	<i>Weekly Average</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	2.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	1,668	2,502	XXX	Avg Mo 20	30	40
CBOD20	2,410	XXX	XXX	Avg Mo XXX	XXX	XXX
CBOD20% Removal (%)						
Percent Removal	XXX	XXX	88.5	XXX	XXX	XXX
Total Suspended Solids	2,500	3,700	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Avg Mo 200	XXX	1,000
Ammonia-Nitrogen	2,920	XXX	XXX	Geo Mean 35	XXX	70
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	Avg Mo Report	XXX	XXX
Acute toxicity (Ceriodaphnia) (TUa)	XXX	XXX	XXX	Report	XXX	XXX

<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>Daily Maximum</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Chronic toxicity (Ceriodaphnia) (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Acute toxicity (Pimephales) (TUa)	XXX	XXX	XXX	Report	XXX	XXX
Chronic toxicity (Pimephales) (TUc)	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report Avg. Mo	Report	Report

The proposed effluent limits for Stormwater Outfall 002 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
CBOD ₅	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Stormwater Outfall 003 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
CBOD ₅	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX

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

- Notification of the designation of the responsible operator
- Average Weekly Definition
- Remedial Measures
- No storm water shall be admitted to sanitary sewer
- Necessary Property Rights
- Percent removal for CBOD20
- WET testing for next permit renewal
- Change in Ownership
- TRC requirements
- Sewage Sludge Disposal
- TMDL/WLA Analysis
- I-Max Limits
- Operation and Maintenance Plan
- Lab Certificate
- WET Testing Requirements
- PCBs Monitoring
- Stormwater Outfalls
- Fecal Coliform Imax Limits

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

The EPA Waiver is not in effect.

PA0055026, Industrial Waste, SIC Code 3444, **The Wrightstown Group, L.P.**, 1337 Wrightstown Road, Wrightstown, PA 18940. Facility Name: Livingston-King Wrightstown Facility IWTP. This existing facility is located in Wrightstown Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated groundwater through an air stripper system. The remediation of VOC impacted groundwater has been ongoing since the mid-1980s. No current manufacturing activities take place at the site, located at 650 Durham Road.

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

The proposed effluent limits for Outfall 003 are based on a design flow of 0.058 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
			Inst Min		
Tetrachloroethylene	XXX	XXX	0.001	0.001	XXX
Tetrachloroethylene Influent	XXX	XXX	Report	Report	XXX
Trichloroethylene Influent	XXX	XXX	Report	Report	XXX
Trichloroethylene	XXX	XXX	0.005	0.01	XXX

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

- Remedial Measures if Public Nuisance
- BAT Reopener
- Specification of Test Methods
- Change of Ownership
- Air Stripper Tower Wastewater
- Twice per Month Sampling
- Laboratory Certification
- Influent Sampling
- Monitoring Well Sampling

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484.250.5910.

The EPA Waiver is in effect.

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

PA802228, Storm Water, SIC Codes 5171 and 4226, **B & B Fuel, LLC**, 921 Drinker Turnpike, Covington Township, PA 18444. Facility Name: B & B Fuel, LLC. This proposed facility is located in Clifton Township, **Lackawanna County**.

Description of Proposed Activity: The application is for a new NPDES permit for the discharge of treated storm water.

The receiving stream, Unnamed Tributary to Rucks Run, is located in State Water Plan watershed 2-A and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

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

- Petroleum Marketing Terminals
- Requirements Applicable to Stormwater Outfalls

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.

PA0020893 A-1, Sewage, SIC Code 4952, **Manheim Borough Authority Lancaster County**, 18 E High Street, Manheim, PA 17545-1505. Facility Name: Manheim STP. This existing facility is located in Manheim Borough, **Lancaster County**.

Description of Existing Activity: The application is for an amendment of the NPDES permit for an existing discharge of treated Sewage. The existing effluent limits for Outfall 001 are based on a design flow of 1.14 MGD.

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

The amendment will allow Total Nitrogen offsets for hauled-in septage from residential sources within the same Municipal 537 planning area, at a rate of 3 lbs. of Total Nitrogen offsets per 1000 gallons of septage accepted and processed at the facility within the same compliance year. Delivery ratios are also being added for the calculation of credits.

At the request of the permittee and in accordance with 25 Pa. Code § 92a.82(d), the Department has agreed to extend the public comment period by an additional 15 days from the date of this notice.

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

The EPA Waiver is not in effect.

PA0088048, Sewage, SIC Code 4952, **New Morgan Borough Berks County**, 75 Grace Boulevard Bldg 3, Morgantown, PA 19543. Facility Name: New Morgan Borough STP. This existing facility is located in New Morgan Borough, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage. The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	38	56 Wkly Avg	XXX	23	34	46
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	50	75 Wkly Avg	XXX	30	45	60.0
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	7.0	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30	22.0	XXX	XXX	13.5	XXX	27.0
Total Phosphorus	3.3	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Report	1218	XXX	XXX	XXX	XXX
	Total Mo	Total Annual				

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	

* The Total Phosphorus limit is based on a Total Maximum Daily Load developed for the Conestoga Headwaters. The compliance year for the Total Phosphorus annual load will run from October 1 through September 30 of every year.

** The Chesapeake Bay reporting requirements for nutrients will be reported on Supplemental DMRs: both monthly loads and annual loads. The compliance year will run from October 1 through September 30 of every year.

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

The EPA Waiver is not in effect.

PA0081779, Sewage, SIC Code 8211, **Yellow Breeches Educational Center**, 15 Oak Park Avenue, Carlisle, PA 17015. Facility Name: Yellow Breeches Educational Center. This existing facility is located in West Hanover Township, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0052 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Annual Average	Daily Maximum	Minimum	Annual Average		Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	Avg Mo 25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	Avg Mo 30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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.

PA0037711, Sewage, SIC Code 4952, **Everett Borough Area Municipal Authority Bedford County**, 100 Mechanic Street, Everett, PA 15537-1177. Facility Name: Everett Borough STP. This existing facility is located in Everett Borough, **Bedford County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.87 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daiilly Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	181	290	XXX	25	40	50
BOD ₅		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	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>Weekly Average</i>	<i>Instant. Maximum</i>
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	218	327	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Total Phosphorus	15	XXX	XXX	2.0	XXX	4.0

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>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	15890	XXX	XXX	XXX
Net Total Phosphorus	Report	2119	XXX	XXX	XXX

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

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2012. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

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

The EPA Waiver is not in effect.

PA0248037, Sewage, SIC Code 4952, **Bethel Township Municipal Authority Berks County**, PO Box 24, Bethel, PA 19507-0024. Facility Name: Bethel Village STP. This existing facility is located in Bethel Township, **Berks County**.

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

The receiving stream(s), Little Swatara Creek, is located in State Water Plan watershed 7-D 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 0.205 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	26	39	XXX	15	22.5	30
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	51	76	XXX	30	45	60
		Wkly Avg				

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	8.5	XXX	XXX	5.0	XXX	10.0
Nov 1 - Apr 30	25	XXX	XXX	15.0	XXX	30.0

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

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.

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. 2396405, Sewage, **Regal Cinemas, Inc.**, 7132 Regal Lane, Knoxville, TN 37918.

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

Description of Action/Activity: Wastewater treatment plant with on lot disposal.

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

WQM Permit No. 5698401-T1A1, Sewerage, **Rox Coal, Inc.**, PO Box 260, Friedens, PA 15541

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

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

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

WQM Permit No. 2512403, Sewerage, **Summit Township Sewer Authority**, 8890 Old French Road, Erie, PA 16509.

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

Description of Proposed Action/Activity: Application to extend sewer system along Johnson, Dorn, and New Roads.

WQM Permit No. 4312402, Sewerage, **Land ACQ, LLC**, P. O. Box 1530, Youngstown, OH 44501.

This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: Application for a new small flow treatment system to replace a malfunctioning on-lot system at Gateway Tavern.

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024812012	J.B. Reilly Traditions of America, LP 1 Saucon View Dr. Bethlehem, PA 18015	Northampton	Hanover Twp.	Monocacy Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903037R(3)	Upper Macungie Twp. Scott Faust 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Twp.	Unnamed Tributary to Little Lehigh Creek, HQ-CWF, MF
PAI023906022R	Rick Koze Trexler Fields Twin Home Project, LLC 5930 Hamilton Blvd. Ste. 10 Wescosville, PA 18106	Lehigh	Upper Macungie Twp.	Schaefer Run, 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>
PAI030605002R	STMA, LP 415 Ellis Woods Rd Pottstown, PA 19465	Berks	Longswamp Township	Toad Creek, Little Lehigh Creek/ HQ-CWF
PAI033106003R	PennDOT District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Huntingdon	Jackson Township	Shavers Creek/ HQ-CWF

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

Erie County Conservation District, 1927 Wager Road, Erie PA 16509

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062512001	Riedman Development Corporation 45 East Avenue Rochester NY 14604	Erie	Millcreek Township	Cascade Creek WWF, MF; Walnut Creek CWF, MF

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

PAG-12 CAFOs

STATE CONSERVATION COMMISSION

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

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

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Aaron Hawbaker 6842 Buttermilk Road Waynesboro, PA 17268	Franklin	203.5	114.79	Ducks	NA	Renewal
William Buser 49 Buser Farm Lane York, PA 17406	York	851	1064.46	Swine / Steers	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 5412502, Public Water Supply.

Applicant	Kline Township Municipal Authority 76 South Kennedy Drive McAdoo, PA. 18237
[Township or Borough]	Kline Township Schuylkill County
Responsible Official	Mr. Francis A. Patton, Jr.
Type of Facility	Public Water Supply

Consulting Engineer Systems Design Engineering
Mr. Thomas J. Duffy, PE.
1032 James Drive
Leesport, PA.

Application Received Date August 9, 2012

Description of Action This project provides for the construction of a booster pump station to transfer potable water from the Well 2 and 6 systems to service the Well #5 service area and the Spring Mountain Reservoir.

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

Permit No. 3612523, Public Water Supply.

Applicant	East Cocalico Township Authority
Municipality	East Cocalico Township
County	Lancaster
Responsible Official	Terry W. Reber, Authority Administrator 102 Hill Road Denver, PA 17517
Type of Facility	Public Water Supply
Consulting Engineer	William A. LaDieu, P.E. CET Engineering Services, GHD 1240 N. Mountain Road Harrisburg, PA 17112
Application Received:	8/13/2012
Description of Action	Installation of ortho/polyphosphate for general corrosion control at entry points 101, 102, 106, 107, 109 and 110.

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

Permit No. 2012505, Public Water Supply

Applicant	Linesville Municipal Authority
[Township or Borough]	Linesville Borough
[County]	Crawford
Responsible Official	Kevin H. McGrath
Type of Facility	Public Water Supply

Consulting Engineer Robert L. Rabell
Robert L. Rabell Surveying &
Engineering
10560 Walnut Street
Albion, PA 16401

Application Received Date July 19, 2012

Description of Action Connect Spring Group #003 to the
Public Water Supply.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 6412503MA, Minor Amendment.

Applicant **Nevilles Mobile Home Court LLC**
25 Nancy Road
Moscow, PA. 18444

[Township or Borough] Salem Township
Wayne County

Responsible Official Ms. Nancy Haines

Type of Facility Public Water Supply

Consulting Engineer Niclaus Engineering
804 Sarah Street
Suite 201
Stroudsburg, PA. 18360

Application Received Date 08/16/12

Description of Action This project provides for the construction of a 500 gallon above ground chlorine contact tank to meet the requirements of the Ground Water Rule.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

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

Former BP Terminal 4567—Eastern Parcel, Old US Route 220, Duncansville, PA 16635, Blair Township, **Blair 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 Pennsylvania Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons. The site will be remediated to the Site-Specific standard and remain nonresidential.

Former BP Terminal 4567—Western Parcel, Old US Route 220, Duncansville, PA, 16635, Blair Township, **Blair 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 Kevin Kneezle, 236 Pioneer Drive, Duncansville, PA 16635, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons. The site will be remediated to the Site-Specific standard and remain nonresidential.

MUNICIPAL WASTE GENERAL PERMITS

Permit Proposed 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM045. FCS Partners, LLC., P. O. Box 196, Skippack, PA 19474.

The Department of Environmental Protection, Bureau of Waste Management, proposes to authorize, under General Permit WMGM045, the processing (mixing or blending, screening and composting) of various organic waste materials owned and/or operated facilities that do not exceed (i) 5 acres and (ii) 6,000 cubic yards per acre of wastes (i.e., raw material, waste partially processed, finished compost, and manufactured topsoil) at any one time. The processing is proposed to be conducted on permitted non-coal surface mining sites for beneficial use as follows:

1. Mixing or blending, screening and composting of various wastes listed below on an active or abandoned mine site approved by the Department, as part of a mine reclamation permit or project, to produce a composting material for beneficial uses:

a. Source separated (1) food processing waste (i.e., mushroom stems, apple peels, etc.) and (2) pre-and-post consumer food wastes (i.e., fruit, vegetables, grains, nuts, meat scrap) from food markets, groceries, food banks, food distribution centers, cafeterias and institutions;

b. Leaf and yard waste (i.e., grass clippings, garden residue, tree trimmings, chipped shrubbery);

c. Source segregated standard and laminated paper, newspaper, and wax coated cardboard;

d. Unpainted and untreated wood waste (i.e., clean pallets, skids, saw dust, wooden boxes or containers, wood shavings or slab lumber from saw mills);

e. Land clearing and grubbing waste (i.e., trees, tree stumps, limbs, roots and soil, shrubs, brush); and

f. Agricultural waste (i.e., manure, crop residues, uncontaminated feed and grains).

2. The beneficial use of cured and processed compost material as (a) a soil additive or soil substitute, (b) a mulch material for landscaping purposes, (c) a soil erosion control material, or (d) an effective fertilizer to be sold, given away or otherwise distributed for utilization by land application upon (i) agricultural, agronomic, horticultural, and silvicultural lands and (ii) disturbed lands to facilitate re-vegetation for land reclamation purposes.

3. Blending of the screened and finished compost with (a) virgin sand, (b) uncontaminated soil or (c) aggregates in the production of a manufactured topsoil material to be sold, given away or otherwise distributed for consumer use.

Comments concerning the application should be directed to C. D. Vu, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. Persons interested in obtaining more information,

or obtaining copies of, the proposed general permit may contact the Division of Municipal and Residual Waste at the above phone number. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

RESIDUAL WASTE GENERAL PERMITS

Application(s) received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Application No. WMGR123SW011. Aspen Johnstown, LLC, 501 Power Street, Johnstown, PA 15906. Aspen Johnstown Plant, 116 Iron Street, Johnstown, PA 15906. A registration for a residual waste general permit for the processing and beneficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well. The application was deemed administratively complete by the Regional Office on August 27, 2012.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) approved Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit Application No. 101371-A1001. McAuliffe Hauling and Recycling Services, Inc., 4816 Timberline Road, Walnutport, PA 18088. A major permit modification to increase the maximum daily tonnage for this municipal solid waste transfer station located in Lehigh Township, **Northampton County** from 100 to 300 tons/day. The application was approved by the Regional Office on August 17, 2012.

Persons interested in reviewing the permit modification may contact William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18704-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

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

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

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

35-322-012: Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunmore, PA 18512-0249) for the increase in average daily volume of waste accepted from 4,750 tons to

7,250 tons per day for their facility in Throop and Dunmore Boroughs, **Lackawanna County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue a Plan Approval to Keystone Sanitary Landfill Inc., P. O. Box 249, Dunmore, PA 18512-0249, for their facility located in Throop and Dunmore Boroughs, Lackawanna County. The facility currently has a Title V Permit # 35-00014. This Plan Approval No. 35-322-012 will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No 35-322-012 is for the increase in average daily volume of waste accepted from 4,750 tons to 7,250 tons per day. The maximum daily volume will increase from 5,000 tons to 7,500 tons. The annual rates will increase from 1,470,000 TPY to 2,262,000 TPY. The existing gas collection system will provide sufficient combustion capacity to destroy all of the landfill gas generated over the life of the landfill. The landfill operation is also subject to NSPS Part 60, Subpart WWW and MACT 40 CFR Part 63, Subpart AAAAA.

The Plan Approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources 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. 35-322-012 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 Mark J. Wejkszner, 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.

48-309-136: Hercules Cement Company—DBA Buzzi Unicem USA (501 Hercules Drive, Stockertown, PA 18080) for modification of their existing Finishing Mills at their facility in Stockertown Borough, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue a plan approval to Hercules Cement Company DBA Buzzi Unicem USA (501 Hercules Drive, Stockertown, PA 18080) for the modification of their existing Finishing Mills at their facility located in Stockertown Borough, Northampton County. The facility currently has a Title V Operating Permit No. 48-00005.

Plan approval 48-309-136 will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 48-309-136 is for the replacement of their three existing clinker cooler dust collectors and clinker cooler stack. The equipment will be replaced with a new heat exchanger and new dust collector along with a new common stack. The facility is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants—Portland Cement Plants, and shall comply with all applicable requirements of this Subpart. The company shall be subject to and comply with 25 Pa Code §§ 123.1 and 123.2 for fugitive emissions. The company shall be subject to and comply with 25 Pa Code § 123.31 for malodorous emissions. Particulate emissions shall not exceed 0.01 grain/dscf from the baghouses which meets BAT requirements. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Further details on the conditions and the reasons for their inclusion are available upon request.

Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator, identification of the proposed Permit No. 48-309-136 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 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 Mr. Raymond Kempa, Chief, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18711, or 570-826-2511.

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

01-05037B: Gettysburg Energy & Nutrient Recovery Facility, LLC (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409) for modification to existing Plan Approval No. 01-05037B issued on February 10, 2012 to construct an Energy & Nutrient Recovery Facility in Tyrone Township, **Adams 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 abovementioned company for the abovementioned project.

The modification generally addresses the following changes to Plan Approval No. 01-05037B: the addition of

propane as a fuel in the Primary Gasification Chamber and Secondary Combustion Chamber startup burners, increases the startup burner capacity and addresses the installation of a baghouse bypass.

The company shall be subject to and comply with 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and either 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, or 40 CFR Part 60 Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which construction is commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001. The plan approval will contain restrictions that are designed to control emissions consistent with best available technology pursuant to 25 Pa Code § 127.1 as well as additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Annual emissions from the proposed project are estimated to be approximately 69.1 tons of Carbon Monoxide (CO), 25.9 tons of Nitrogen Oxides (NO_x), 3.4 tons of Particulate Matter (PM), 21.1 tons of Sulfur Dioxide (SO₂) and 6.4 tons of Volatile Organic Compounds (VOCs). Along with the proposed project, the plan approval will contain operating limits of less than 25 tons per year for combined Hazardous Air Pollutants (HAPs), and less than 10 tons per year for any individual HAP.

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 PA DEP 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.

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

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

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

18-00030: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) for issuance of the Title V operating permit for their facility located in Castanea Township, **Clinton County**. The facility is currently operating under Plan Approval 18-315-001, Plan Approval 18-315-001C, Plan Approval 18-315-001E and Plan Approval 18-315-001F. The facility's sources include eighty-one natural gas-fired space heaters with heat input ratings ranging from 9.7 million Btu per hour to 0.125 million Btu per hour, two 68 million Btu per hour, natural

gas-fired boilers, two paper machines, a converting area, a wastewater treatment operation, twelve storage tanks and a 575 horsepower fire pump. The facility has the potential to emit 143.16 tons of nitrogen oxides (NO_x) per year, 206.45 tons of carbon monoxide per year, 123.99 tons of volatile organic compounds (VOCs) per year, 1.63 tons of sulfur oxides (SO_x) per year, 220.36 tons of particulate matter (PM/PM₁₀) per year and 6.61 tons of hazardous air pollutants (HAPs) per year. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Title V operating permit have been derived from the applicable requirements of 40 CFR Part 63 and 25 Pa. Code Chapters 121–145.

The proposed Title V operating permit has incorporated the Compliance Assurance Monitoring (CAM) provisions applicable to the paper machines for monitoring of the performance of the cyclone separators and venturi scrubbers that control particulate matter emissions. The CAM provisions included in the proposed Title V operating permit require parameter monitoring using continuous systems to monitor pressure drop across the cyclone separators and the pressure drop across the venturi scrubbers, as well as the recirculation and makeup feed flows of the venturi scrubbers. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 18-00030) and concise statements regarding the relevancy of the information or objections to 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 information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

55-00001E: Sunbury Generation LP (Old Trail Road, PO Box 517, Shamokin Dam, PA 17876) has submitted an application to the Pennsylvania Department of Environmental Protection (Department) for plan approval for construction of three (3) natural gas-fired combined-cycle

combustion turbines coupled with three (3) heat recovery steam generators (HRSGs) equipped with natural gas fired duct burners capable of producing 1,064 MW of electricity in Shamokin Dam Borough, **Snyder County**. The proposed project consists of a 2 X 3 power block and a 1 X 1 power block. As part of the project, the four existing steam turbines will continue to operate and all of the facility's existing coal fired utility boilers will be permanently retired. Additionally, the project will include the construction of 106 MMBTU/hr natural gas fired auxiliary boiler and a 15 MMBTU/hr natural gas fired heater. Each combined-cycle process will be rated at 355MW or less. The heat input rating of each combustion gas turbine is 2,397 MMBTU/hr (HHV) or less, and the heat input rating of each supplemental duct burner is equal to 283 MMBTU/hr (HHV) or less.

The facility is subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines codified in 40 CFR 60.4300–60.4420, 40 CFR Part 60 Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units codified in 40 CFR 60.40b–60.49b, and 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units codified in 40 CFR 60.40c–60.48c. The proposed project will satisfy all applicable requirements of the New Source Performance Standards (NSPS). Additionally, the sources and the proposed control devices including the levels of the air contaminants emissions satisfy the Department's best available technology (BAT) requirements pursuant to 25 Pa. Code §§ 127.1 and 127.12.

Based upon the retirement of the coal fired utility boilers, the proposed project is not subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21, or the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201–27.218.

The Department's review of the information submitted by Sunbury Generation indicates that the proposed sources and associated control devices will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue a plan approval for the construction and operation of the sources and air cleaning devices proposed in this application. The facility is a major (Title V) facility. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 55-00001 by means of an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable federal and state air quality regulatory requirements including applicable monitoring, recordkeeping and reporting requirements:

1. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12,

- (a) emissions from the operation of each combined-cycle powerblock shall not exceed the limits specified below:

1. Carbon monoxide: 2.0 ppmv and 10.6 lbs/hr from the turbines when the duct burners are not operating and 11.22 lbs/hr when the duct burners are operating.

2. Oxides of nitrogen (as NO₂): 2.0 ppmv and 17.4 lbs/hr from each turbine when the duct burners are not operating and 18.4 lbs/hr when the duct burners are operating.

3. Volatile organic compounds: 1.0 ppmv 3.0 lbs/hr and 0.0013 lb/MMBTU (without duct burner firing) and 3.9 ppmv, 10.7 lbs/hr and 0.0049 lb/MMBTU (with duct burner firing)

4. Sulfur dioxide: 0.0024 lb/MMBTU and 5.8 lbs/hr from the turbines when the duct burners are not operating and 6.1 lbs/hr when the duct burners are operating.

5. Total (filterable and condensable) Particulate Matter: 0.0088 lb/MMBTU (with and without duct burner firing) and 14.0 lbs/hr (without duct burner firing) and 17.3 lbs/hr (with duct burner firing)

6. Total PM₁₀: 0.0088 lb/MMBTU (with and without duct burner firing) and 14.0 lbs/hr (without duct burner firing) and 17.3 lbs/hr (with duct burner firing)

7. Total PM_{2.5}: 0.0088 lb/MMBTU (with and without duct burner firing) and 14.0 lbs/hr (without duct burner firing) and 17.3 lbs/hr (with duct burner firing)

8. H₂SO₄: 0.00018 lb/MMBTU (with and without duct burner firing) and 4.4 lbs/hr from the turbines when the duct burners are not operating and 4.7 lbs/hr when the duct burners are operating.

9. NH₃: 5 ppmv (with and without duct burner firing)

(b) ppmv = parts per million volume on a dry gas basis, corrected to 15 percent O₂

(c) The nitrogen oxides, carbon monoxide and ammonia emissions limits shall be established as one-hour period.

(d) Unless otherwise specified herein, the above emissions limits shall apply at all times except for periods of startup and shutdown.

(e) The applicable sulfur dioxide requirements in 40 CFR 60.4330 are streamlined into this permit condition.

2. (a) The permittee shall install, certify, maintain and operate continuous emission monitoring systems (CEMS) for nitrogen oxides, carbon monoxide, carbon dioxide and ammonia emissions as well as volumetric flow on the exhaust of each combined-cycle powerblock in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual." No CEMS or flow monitoring system may however be installed unless Phase I approval has first been obtained from the Department.

(b) The permittee shall submit a Phase I application to the Department for all CEMS and flow monitoring systems to be associated with each combined-cycle powerblock at least 6 months prior to the expected startup of each respective unit.

3. (a) Unless otherwise specified in the plan approval, the emissions limits shall apply at all times except for periods of startup and shutdown.

(b) Startup and shutdown are defined as follows:

(1) A cold start is defined as a restart occurring 72 hours or more after shutdown and shall not be in excess of 48 minutes in duration.

(2) A warm start is defined as a restart occurring between 12 to 72 hours after shutdown and shall not be in excess of 42 minutes in duration.

(3) A hot start is defined as a restart occurring less than 12 hours after shutdown and shall not be in excess of 37 minutes in duration.

(4) Shutdown is defined as the period between the time that the combined-cycle powerblock drops below 60 percent operating level.

(c) Shutdown shall not occur for more than 13 minutes in duration.

(d) The permittee shall record the time, date and duration of each startup and shutdown.

(e) The permittee shall operate the facility so as to minimize the frequency and duration of startup and shutdown events.

(f) The permittee shall operate the Continuous Emission Monitoring Systems (CEMS) during periods of startup and shutdown.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and keep records of the amount of fuel used each month in each of the combined-cycle powerblocks as well as the monthly heat input and hours of operation. All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

5. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combined-cycle powerblock shall be fired on only pipeline quality natural gas.

6. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from each CCGT shall be controlled by a selective catalytic reduction (SCR) unit and an oxidation catalyst.

7. Pursuant to 25 Pa. Code § 127.12b, (a) the permittee shall keep accurate and comprehensive records of the following to demonstrate compliance with the fuel requirements specified above under part I. Restrictions for each combined-cycle powerblock:

(1) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is of pipeline quality; OR

(2) Representative fuel sampling data which show that the sulfur content of the gaseous fuel is of pipeline quality as defined by the Department.

(i) With additional authority for this item taken from 40 CFR 70.6, the records of the fuel sampling performed in this paragraph shall include the following;

(i) The date, place, and time of sampling;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions as existing at the time of sampling or measurement

(b) All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

8. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, emissions from the operation of each combined-cycle turbine shall not exceed the limits specified below:

a. Greenhouse Gases (as CO₂e): 983,462 tons in any 12 consecutive month period.

b. Hazardous Air Pollutants (HAP): 4.63 tons in any 12 consecutive month period.

c. Formaldehyde: 1.20 tons in any 12 consecutive month period.

9. The permittee shall conduct initial EPA reference method testing within 180 days of the startup of each combined-cycle powerblock and subsequent testing every two years from the previous tests for nitrogen oxides, carbon monoxide, ammonia slip, volatile organic compounds, sulfur oxides (SO₂), sulfuric acid mist, total PM, total PM₁₀, total PM_{2.5}, hexane and formaldehyde as well as keep record of the monthly emissions of sulfur oxides (SO₂), sulfuric acid mist, total PM, total PM₁₀, total PM_{2.5}, hexane and formaldehyde to demonstrate compliance with the emission limitations.

10. The Department will evaluate the actual emission rates and may revise the allowable emission rates based upon demonstrated performance (CEMS data, stack tests results), and/or subsequently promulgated applicable requirements during the first five years of operation. Any revision of the allowable emission rates shall be accomplished by minor modification provided that the revised allowable emission rates do not exceed levels at which best available technology (BAT) were evaluated and that are not a result of a physical change at the facility.

11. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the emission of visible air contaminants from the operation of each combined-cycle powerblock shall not be in excess of 10% opacity for any 3-minute block period and shall not exceed 20% at any time.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet temperature, outlet temperature, and pressure differential across the SCR catalyst shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pre-control and post-control NO_x emissions shall be monitored by the feed-forward process control loop to ensure maximum control efficiency and minimum NH₃ slip.

14. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure differential across the oxidation catalyst as well as the catalyst inlet and outlet temperatures shall be monitored and recorded on a continuous basis (1-hour average). Visual and audible alarms shall be utilized to indicate improper operation. The pressure differential and temperature ranges will be established based upon the recorded data and the stack testing. In addition to these operating parameters, the CO emissions from the CEMS will be used as an indicator for VOC emission compliance based upon the recorded data and the stack testing.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, an oxygen

monitor shall be in each stack to monitor oxygen levels to ensure maximum combustion efficiency. The percent oxygen in the stack associated with each combined-cycle powerblock will be established based upon the recorded data and the stack testing.

16. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, high efficiency inlet air filters shall be used in the air inlet section of each combined-cycle powerblock.

17. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and record the pressure differential across the inlet air filters on a weekly basis.

18. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all air-contaminant sources and control devices shall be maintained and operated in a manner consistent with good air pollution control practices and in accordance with the manufacturer's recommendations.

19. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined hours of startups and shutdowns for the turbines shall not exceed 210 hours in any 12 consecutive month period.

20. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combustion turbine associated with a powerblock shall be equipped with dry-low-NO_x (DLN) combustors.

21. The combustion turbines, heat recovery steam generators and duct burners associated with each combined-cycle powerblock shall comply with all applicable requirements of Subpart KKKK of the Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420 (Standards of Performance for Stationary Combustion Turbines).

22. The permittee shall comply with all applicable SO₂ monitoring requirements specified in 40 CFR 60.4360, 60.4365 and 60.4370.

23. The permittee shall comply with all applicable monitoring requirements specified in 40 CFR 60.4340, 60.4345 and 60.4350.

24. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate and maintain the stationary combustion turbine, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown and malfunction pursuant to 40 CFR 60.4333.

25. The permittee shall comply with the applicable testing requirements specified in 40 CFR 60.4400, 60.4405 and 60.4415.

26. The permittee shall comply with the reporting requirements specified in 40 CFR 60.4375 and 60.4380.

27. The CO₂ emissions from each combustion turbine shall not exceed 1000 lb/MWh in any 12 consecutive month period in accordance with 40 CFR Part 60 Subpart TTTT 60.5520(a).

28. Pursuant to 40 CFR 72.7, the combined-cycle powerblocks meet the criteria for new unit exemption. As specified in 40 CFR 72.7(b)(1), the powerblocks are exempt from the Acid Rain Program, except for the provisions of 40 CFR 72.2—72.7 and 72.10—72.13. The permittee shall comply with applicable sections of the Acid Rain Program.

29. The permittee shall comply with the applicable requirements of 40 CFR Part 96 and 25 Pa. Code Chapter 145 Subchapter D.

30. The permittee shall submit a complete NO_x Budget permit application in accordance with 40 CFR 96.21(b)(1)(ii).

31. The permittee shall comply with the applicable requirements of 40 CFR Part 97.

32. The permittee shall submit a complete NO_x Budget permit application in accordance with 40 CFR 97.21(b)(1)(ii).

33. The permittee shall comply with the applicable Mandatory GHG Reporting requirements of 40 CFR Part 98.

34. The facility shall comply with the requirements in 40 CFR Part 98 Subpart D (40 CFR 98.40–98.48).

35. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the duct burners shall only be used when the combined-cycle powerblock is required to achieve 100% load.

36. The permittee shall construct and operate only one of the three options. The first option consists of constructing three Siemens model 5000F4 DLN natural-gas-fired combustion turbines (CT) and steam turbines (ST). Each unit will be equipped with natural-gas-fired duct burners (DB) and heat recovery steam generators (HRSG). The maximum heat input rating of each CT is 2259 MMBtu/hr (high heating value, HHV) and 2037 MMBtu/hr (lower heating value, LHV). Each DB will have a maximum heat input rating of 282.9 MMBtu/hr (HHV). The second option consists of constructing three Siemens 5000F5 DLN natural-gas-fired CTs with STs. Each unit will be equipped with natural-gas-fired DBs and HRSGs. The maximum heat input rating of each CT is 2397 MMBtu/hr (HHV) and 2162 MMBtu/hr (LHV). Each DB will have a maximum heat input rating of 204.1 MMBtu/hr (HHV). The third option consists of constructing three General Electric model 7FA.05 DLN natural-gas-fired CTs with STs. Each unit will be equipped with natural-gas-fired DBs and HRSGs. The maximum heat input rating of each CT is 2253 MMBtu/hr (HHV) and 2040 MMBtu/hr (LHV). Each DB will have a maximum heat input rating of 267.3 MMBtu/hr (HHV).

37. (a) Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the three combined-cycle powerblocks shall be constructed and operated from the options identified in this plan approval. The three combined-cycle powerblocks chosen by the permittee shall be either the three Siemens model 5000F4 combined-cycle powerblocks, the three Siemens model 5000F5 or the three General Electric model 7FA.05 combined-cycle powerblocks.

(b) The Siemens F4 combined-cycle powerblocks shall not emit more than 320.0 tons of carbon monoxide in any 12 consecutive month period, 182.2 tons of nitrogen oxides in any 12 consecutive month period, 60.6 tons of sulfur dioxide in any 12 consecutive month period, 46.4 tons of sulfuric acid mist in any 12 consecutive month period, 175.2 tons of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} in any 12 consecutive month period, 168.6 tons of ammonia in any 12 consecutive month period, 50.3 tons of volatile organic compounds in any 12 consecutive month period, 2,950,386 tons of greenhouse gases (expressed as CO_{2e}) in any 12 consecutive month period, 13.5 tons of hazardous air pollutants in any 12 consecutive month period, 3.6 tons of formalde-

hyde in any 12 consecutive month period. The emissions limits specified in (b) of this condition apply at all times including during periods of startup and shutdown. Each of the Siemens F4 turbines shall not be operated in excess of 7,955 hours in any 12 consecutive month period.

(c) The Siemens F5 combined-cycle powerblocks shall not emit more than 343.5 tons of carbon monoxide in any 12 consecutive month period, 181.9 tons of nitrogen oxides in any 12 consecutive month period, 60.5 tons of sulfur dioxide in any 12 consecutive month period, 46.3 tons of sulfuric acid mist in any 12 consecutive month period, 177.6 tons of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} in any 12 consecutive month period, 168.3 tons of ammonia in any 12 consecutive month period, 44.0 tons of volatile organic compounds in any 12 consecutive month period, 2,948,896 tons of greenhouse gases (expressed as CO_{2e}) in any 12 consecutive month period, 12.4 tons of hazardous air pollutants in any 12 consecutive month period, 3.3 tons of formaldehyde in any 12 consecutive month period. The emissions limits specified in (c) of this condition apply at all times including during periods of startup and shutdown. Each of the Siemens F5 turbines shall not be operated in excess of 6,920 hours in any 12 consecutive month period.

(d) The General Electric 7FA.05 combined-cycle powerblocks shall not emit more than 319.7 tons of carbon monoxide in any 12 consecutive month period, 181.8 tons of nitrogen oxides in any 12 consecutive month period, 61.1 tons of sulfur dioxide in any 12 consecutive month period, 46.8 tons of sulfuric acid mist in any 12 consecutive month period, 178.7 tons of total particulate matter (PM₁₀) including total PM₁₀ and PM_{2.5} in any 12 consecutive month period, 166.5 tons of ammonia in any 12 consecutive month period, 50.5 tons of volatile organic compounds in any 12 consecutive month period, 2,949,212 tons of greenhouse gases (expressed as CO_{2e}) in any 12 consecutive month period, 13.9 tons of hazardous air pollutants in any 12 consecutive month period, 3.7 tons of formaldehyde in any 12 consecutive month period. The emissions limits specified in (d) of this condition apply at all times including during periods of startup and shutdown. Each of the GE 7FA.05 turbines shall not be operated in excess of 8,275 hours in any 12 consecutive month period.

38. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the duct burners associated with HRSGs shall not be operated in excess of 1,000 hours in any 12 consecutive month period (CMP).

39. Source IDs 031, 032, 033, 034, 035 and 036 shall be permanently shut down prior to the commencement of operation to the combustion turbines authorized by this plan approval. Under no circumstances Source IDs 031, 032, 033, 034, 035 and 036 be operated once the combustion turbines have commenced operation.

40. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 070 shall be a natural gas fired auxiliary boiler rated at 106.0 MMBTU/hr.

41. Within 30 days of selection, but no less than 120 days prior to the installation, of Source ID 070, the permittee shall submit to the Department for approval, the manufacturer name and model number with design specifications of Source ID 070, by submitting the appropriate pages of the plan approval application.

42. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 070 shall not be operated in excess of 4,000 hours in any 12 consecutive month period.

43. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 070 shall only be fired on pipeline quality natural gas.

44. Source ID 070 is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart Db and shall comply with all applicable requirements as specified in 40 CFR 60.40b—60.49b.

45. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides emissions from Source ID 070 shall not exceed 0.036 lb/MMBTU, 3.82 lbs/hr and 7.60 tons in any 12 consecutive month period.

46. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide (CO) emissions from Source ID 070 shall not exceed 0.074 lb/MMBTU, 7.83 lbs/hr and 15.7 tons in any 12 consecutive month period.

47. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compounds (VOC) emissions from Source ID 070 shall not exceed 0.005 lb/MMBTU, 0.57 lb/hr and 1.10 tons in any 12 consecutive month period.

48. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the sulfur oxides (SO_x) emissions from Source ID 070 shall not exceed 0.003 lb/MMBTU, 0.30 lb/hr and 0.60 ton in any 12 consecutive month period.

49. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emissions, including PM₁₀ and PM_{2.5} from Source ID 070 shall not exceed 0.008 lb/MMBTU, 0.79 lb/hr and 1.58 tons in any 12 consecutive month period.

50. Within 120 days of achieving maximum normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhaust of Source ID 070 to verify compliance with the NO_x and CO emissions limitations. The NO_x and CO stack testing shall be conducted simultaneously. All testing shall be performed while Source ID 070 is operating at its maximum rate of production, using test methods approved by the Department.

51. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 075 shall be a natural gas fired fuel gas heater rated at 15.0 MMBTU/hr.

52. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxides emissions from Source ID 075 shall not exceed 0.085 lb/MMBTU, 1.27 lbs/hr and 5.25 tons in any 12 consecutive month period.

53. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide (CO) emissions from Source ID 075 shall not exceed 0.037 lb/MMBTU, 0.55 lb/hr and 2.28 tons in any 12 consecutive month period.

54. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compounds (VOC) emissions from Source ID 075 shall not exceed 0.006 lb/MMBTU, 0.83 lb/hr and 0.34 ton in any 12 consecutive month period.

55. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the sulfur oxides (SO_x) emissions from Source ID 075 shall not exceed 0.003 lb/MMBTU, 0.04 lb/hr and 0.17 tons in any 12 consecutive month period.

56. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emissions, including PM₁₀ and PM_{2.5} from Source ID 075 shall not exceed 0.008 lb/MMBTU, 0.11 lb/hr and 0.46 ton in any 12 consecutive month period.

57. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 075 shall only be fired on pipeline quality natural gas.

58. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID 075 shall not be operated in excess of 8,275 hours in any 12 consecutive month period.

59. Within 30 days of selection, but no less than 120 days prior to the installation, of Source ID 075, the permittee shall submit to the Department for approval, the manufacturer name and model number with design specifications of Source ID 075, by submitting the appropriate pages of the plan approval application.

60. Source ID 075 is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart Dc and shall comply with all applicable requirements as specified in 40 CFR Sections 60.40c through 60.48c.

61. In accordance with 40 CFR Part 60 60.48c, the permittee shall keep records of the amount of natural gas combusted in Source ID 075 on a daily basis.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval No. 55-00001E) and concise statements regarding the relevancy of the information or objections to issuance of the plan approval.

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 information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

24-017D: Morgan Advanced Materials & Technology (441 Hall Avenue, St. Marys, PA 15857) for installation of a gas-fired batch carbon baking oven and associated thermal oxidizer at their facility in the City of St. Marys, **Elk County**.

Pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue a Plan Approval for the installation of a gas-fired batch carbon baking oven and associated thermal oxidizer at their facility located in the City of St. Marys, Elk County.

The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-017B is for the installation of a natural gas-fired batch carbon baking oven and associated thermal oxidizer. Based on the information provided by the applicant and DEP's own analysis, the sources will emit 5.15 tons of sulfur oxides (SO_x), 0.68 ton of nitrogen oxides (NO_x), 0.21 tons of volatile organic compounds (VOC), 0.21 tons of polycyclic organic matter (POM) per year, 0.06 ton of hydrogen sulfide, and 0.03 ton of particulate matter per year. The plan approval will include appropriate testing, recordkeeping, and work practice requirements as needed to demonstrate compliance with applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340, for an appointment.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 24-017D and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

25-179C: Erie City Sewer Authority—Waste Water Treatment Plant (68 Port Access Road, Erie, PA 16507-2202) for modifications to sources 001 (Sewage Sludge Incinerator 1) and 002 (Sewage Sludge Incinerator 2) and control devices C001A (Wet ESP 1) and C002A (Wet ESP 2) as permitted in facility TV Operating Permit 25-00179.

Modifications authorized by this plan approval include replacement of incinerator burners, an emergency bypass stack rebuild, rehabilitation of existing wet electrostatic precipitators and replacement of existing dewatering belt filter presses with dewatering centrifuges. This facility is located in the City of Erie, **Erie County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-179C to the Erie City Sewer Authority, for the modifications to sources 001 and 002 and control devices C001A and C002A, for the facility located in the City of Erie, Erie County. The Plan Approval will subsequently be incorporated into the facility Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-179C is for modifications to sources 001 and 002 and control devices C001A and C002A. Based on the information provided by the applicant and DEP's own analysis, the subject sources will have the potential to emit approximately 267.88 tons per year of carbon monoxide, 53.80 tons per year of nitrogen oxides (NO_x), 11.62 tons per year of volatile organic compounds (VOC), 9.44 tons per year of PM-2.5, 9.44 tons per year of PM-10, 1.42 tons per year of sulfur oxides (SO_x) and 0.006 tons per year of lead. The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

This facility will be subject to the requirements of 40 CFR Part 60 Subpart M (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units).

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

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

N10-024: SEPTA-Allegheny Garage (2700 Allegheny Avenue, Philadelphia, PA 19129) for the operation of an air pollution sources in the City of Philadelphia, **Philadelphia County**. Intent to modify the current operating Permit to include the following changes:

The two (2) 8.4MMBTU/hr Kewanee boilers are redefined as 'gas-fired boilers' per 40 CFR 63 Subpart JJJJJJ. These boilers are listed in the current natural minor operating permit as having capability of firing either No.2 fuel oil or 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.

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.

OPERATING PERMITS

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

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

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

37-00264: Ellwood Quality Steels—EQS (700 Moravia Street, New Castle, PA 16101) for a Title V Operating Permit reissuance for their facility in New Castle City, **Lawrence County**. The facility's representative to contact concerning this application is Mr. Richard Schochet, Plant Engineer. His phone number is (724) 658-6615.

EQS is a small specialty steel mill. The facility's major emission sources include an electric arc furnace (EAF), two ladle refining furnaces, a vacuum degasser, two ingot teeming aisles, an internal scrap yard, six natural gas fired annealing furnaces, preheaters for the ladles and the EAF, miscellaneous steel cutting/grinding, four process steam boilers, miscellaneous heaters less than 2.5 mmbtu/hr each, a lime silo, a backup emergency diesel pump and vehicle travel. The facility is a major facility due to its potential emissions of Carbon Monoxide (CO) greater than 100 TPY. The highest actual emissions of CO, Oxides of Nitrogen (NO_x), particulate matter less than 10 microns (PM₁₀), Sulfur Dioxide Compounds (SO_x), and Volatile Organic Compounds (VOC) reported in the previous five years are 670 TPY, 46 TPY, 36 TPY, 8 TPY, and 31 TPY, respectively. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. In this renewal, the applicable requirements of 40 CFR 63 Subpart ZZZZ pertaining to the hazardous air pollutants (HAPs) from Reciprocating Internal Combustion engines (RICE) were added to the permit.

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

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

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

11-00434: Laurel Sand & Stone, Inc./Chickaree Quarry (210 E. Main Street Ligonier, PA 15658-0556) for operation of a sand processing plant located in Jackson Township, **Cambria 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 above mentioned facility.

The subject facility consists of the following processing equipment: truck loading/ unloading, primary jaw crusher, 2-deck screen, cone crusher, 3-deck screen, impact crusher, sand auger wash plant and various conveyors and stockpiles. The throughput of the processing plant is limited to 1,890,000 tons of processed sandstone in any consecutive 12 month period and a maximum of 5,400 hours of operation in any consecutive 12 month period. The facility has the potential to emit: 90.02 tons PM per year and 40.87 tons PM-10 per year. The facility is required to conduct daily inspections of the site, as well as maintain records of throughput, hours of operation,

and actual emissions to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart OOO). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (11-00434) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

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

N12-028: CRAMCO (2200 East Ann Street, Philadelphia, PA 19134) for manufacturing of furniture in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 6.1 MMBtu/hr boiler with multicyclone and baghouse, one 9.8 MMBtu/hr boiler, one 1.1 MMBtu/hr boiler, one 350,000 Btu/hr oven with afterburner, one 2.5 MMBtu/hr curing oven, three spray booths, and two baghouse to control emissions from the Wood Department.

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.

N12-032: MCI, Inc.—Verizon Business (401 N Broad St, Philadelphia, PA 19108) for operation of a telecommunication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 300 Kw emergency generator, one 500 Kw emergency generator, one 800 Kw emergency generator, and one 1500 Kw emergency generator.

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.

S12-022: Smith-Edwards-Dunlap, Co. (2867 East Allegheny Avenue, Philadelphia, PA 19134), for operation of an offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight (8) non-heatset lithographic printing presses, one (1) 150 HP #2 oil-fired boiler, and one (1) 18 HP #2 oil-fired boiler.

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

39-317-029: Orograin Bakeries Manufacturing, Inc. (105 Boulder Drive, Breinigsville, PA 18031) for construction of a new commercial bakery which will include two (2) baking lines for their facility to be located in Upper Macungie Township, **Lehigh 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 Orograin Bakeries Manufacturing, Inc. (105 Boulder Drive, Breinigsville, PA 18031) for their facility to be located in Upper Macungie Township, Lehigh County. This Plan Approval No. 39-317-029 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-317-029 is for the construction of a new commercial bakery which will include two baking lines. Emissions will be controlled by the use of a catalytic oxidizer. There will also be four storage silos.

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.: 39-317-029 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 applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

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

03961301. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Tracy Lynne Mine in Kiskiminetas, Parks, and Barrell Townships, **Armstrong County** to add acreage for the Northern Expansion. Underground Acres Proposed 4,130.5, Subsidence Control Plan Acres Proposed 4,130.4. No additional discharges. The application was considered administratively complete on August 20, 2012. Application received: April 30, 2012.

32021301. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Rossmoyne No. 1 Deep Mine in South Mahoning Township, **Indiana County** for a land use change to 2.1 permitted acres from a pre-mining land use of forestland and pastureland/land occasionally cut for hay to a post-mining land use of industrial commercial. No additional discharges. The application was considered administratively complete on August 20, 2012. Application received: July 12, 2012.

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

11020102 and NPDES No. PA0249220. Bell Resources, Inc., R. R. #2, Box 281, Curwensville, PA 16833, permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 78.2 acres. Receiving stream(s): unnamed tributary to Muddy Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 13, 2012.

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

26070104 and NPDES Permit No. PA0251135. Stash Mining Company (P. O. Box 20, Waltersburg, PA 15488). Renewal application for reclamation only to an existing bituminous surface mine, located in Menallen Township, **Fayette County**, affecting 77.5 acres. Receiving streams: unnamed tributaries to Redstone Creek and Redstone Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 15, 2012.

02020201 and NPDES Permit No. PA0251771. Robindale Energy Services, Inc. (P. O. 228, 224 Grange Hall Road, Armagh, PA 15920). Renewal application for continued mining to an existing coal refuse reprocessing surface mine, located in Plum Borough, **Allegheny County**, affecting 15.2 acres. Receiving streams: unnamed tributary to Little Crabtree Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 20, 2012.

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

17080111 and NPDES No. PA 0256901. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Revision of an existing bituminous surface coal mine to add 1.0 acre to the surface mine permit boundary and requesting road and stream variances located in Lawrence Township, **Clearfield County** affecting 176.5 acres. Receiving streams: Unnamed Tributaries to West Branch Susquehanna River classified for the following use: Coal Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2012.

Noncoal Applications Received

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

61120306. Joe Klapec & Son, Inc. (218 State Route 428, Oil City, PA 16301) Commencement, operation and restoration of a large industrial minerals mine in Sugar Creek Borough & Cornplanter Township, affecting 23.1 acres. Receiving streams: Unnamed tributary to Charley Run, classified for the following uses: CWF. Application received: August 16, 2012.

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

58970865. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), Stage I & II bond release of a quarry operation in Auburn Township, **Susquehanna County** affecting 2.0 acres on property owned by Ken Teel. Application received: August 14, 2012.

7674SM1C14. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to add 0.5 acre to the permit in Jackson and South Lebanon Townships, **Lebanon County** for a total of 461.6 acres, receiving stream: Tulpehocken Creek, classified for the following use: cold water fishes. Application received: August 17, 2012.

7674SM1C15. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit and the addition of a discharge point in Jackson and South Lebanon Townships, **Lebanon County**, receiving stream: Tulpehocken Creek, classified for the following use: cold water fishes. Application received: August 17, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

<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

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:

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 therequest, 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.

Noncoal NPDES Draft Permits

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

NPDES No. PA0224855 on Surface Mining Permit No. 58100302. William M. Ruark, (P. O. Box 127, Meshoppen, PA 18603), new NPDES Permit for a Large Bluestone Quarry operation in Dimock Township, **Susquehanna County**, affecting 64.4 acres. Receiving streams: unnamed tributary to Elk Lake Stream and West Creek, classified for the following uses: cold water fishes. Application received: March 21, 2011.

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

The outfall(s) listed below discharge to unnamed tributary to Elk Lake Stream and West Creek.

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

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or

conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E01-304: Mid-Atlantic Soaring Association, 5257 Buckeystown Pike, Frederick, Maryland 21704, in Liberty Township, **Adams County**, ACOE Baltimore District

To place and maintain fill in 0.08 acre of PEM wetland for the purpose of expanding an existing commercial facility. The project is located south of Cessna Trail, approximately 1,500.0 feet east of the intersection of Cessna Trail and Pecher Road (Fairfield, PA Quadrangle; Latitude: 39°45'24.3", Longitude: -77°21'01"), in Liberty Township, Adams County. To compensate for wetland impacts, the Permittee is providing a minimum of 0.09 acre of replacement wetland onsite.

E36-903: Sara Gibson, Rapho Township, 971 North Colebrook Road, Manheim, Pennsylvania 17545 (Auction Road Realignment) in Rapho Township, **Lancaster County**, ACOE Baltimore District

To: 1) replace and maintain a deficient bridge over Dellinger Run (WWF), 2) realign 220.0 lineal feet of Dellinger Run to improve flow characteristics, 3) install two stormwater drainage swale outfalls adjacent to the new structure (Latitude: 40°07'1.80", Longitude -76°25'32.94"), 4) remove and relocate 680.0 lineal feet of Auction Road out of the floodway of Chiques Creek (WWF). A stormwater infiltration forebay and bioretention facility are proposed within the floodway, 5) relocation of a 36.0-inch HDPE and 14.0-inch by 23.0-inch RCP outfall, and 6) realignment and addition of a 14.0-inch by 23.0-inch RCP for a private drive. The project is located along Auction Road, approximately 1.50 miles from the intersection of Esbenshade Road and is undertaken as a result of damage due to Hurricane Lee. The project is considered an Emergency Replacement by the Pennsylvania Emergency Management Agency (PEMA) and is funded in part by PEMA.

E36-907: David Proulx, Franklin and Marshall College (Spalding Conservancy Wetland Creation), PO Box 3003, Lancaster, Pennsylvania 17604-3003, in Manheim Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain: 1) a 3.0-foot long, 4.0-foot wide wooden pedestrian bridge over an unnamed tributary to the Little Conestoga Creek (WWF, MF); 2) a 495.0-foot long, 4.0-foot wide at-grade crushed limestone pedestrian trail in the floodway of Little Conestoga Creek (WWF, MF); 3) a 32.0-foot long, 4.0-foot wide elevated

wooden pedestrian trail in PEM/PSS/PFO wetlands, temporarily impacting 0.03 acre of PEM/PSS/PFO wetland and permanently impacting 128.0 square feet of PEM/PSS/PFO wetlands; 4) a 113.0-foot long, 4.0-foot wide elevated wooden pedestrian trail in PEM/PSS/PFO wetlands, temporarily impacting 0.06 acre of PEM/PSS/PFO wetland and permanently impacting 128.0 square feet of PEM/PSS/PFO wetlands; and 5) 2.38 acres of PEM/PSS wetlands, temporarily impacting 840.0 square feet of PEM/PSS/PFO wetlands. The following activities are also proposed and the permit requirements are waived as per 25 Pa Code § 105.12(a)(12): the construction and maintenance of two scientific weir structures in an unnamed tributary to Conestoga Creek (WWF, MF). The project is located approximately 0.28 mile northwest of the intersection of Orchard Lane and Hillcrest Road (Lancaster, PA Quadrangle; Latitude: 40°03'13.1"N, Longitude: -76°20'26.1"W) in Manheim Township, Lancaster County.

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

E17-477. Lynn L. Coudriet, 175 April Lane, Morrisdale, PA 16858-8459. Coudriet Access Road Project, Graham Township, **Clearfield County**, ACOE Baltimore District (Frenchville, PA Quadrangle Latitude: 41° 03' 35.79"; Longitude: 78° 11' 40").

The applicant is seeking authorization to construct, operate and maintain a private access road across and along Willholm Run (CWF) and an unnamed tributary requiring the following five (5) encroachments:

Activity	Resource	Latitude	Longitude
Road Crossing	Tributary Willholm	41° 03' 14.65"	78° 11' 33.98"
Roadway #1	Willholm Run Floodway	41° 03' 25.05"	78° 11' 35.12"
Roadway #2	Willholm Run Floodway	41° 03' 32.75"	78° 11' 36.84"
Roadway #3	Willholm Run Floodway	41° 03' 36.70"	78° 11' 41.64"
Single Span Bridge	Tributary Willholm Run	41° 03' 51.0"	78° 11' 43.90"

The private road crossing the unnamed tributary shall be constructed with a circular culvert pipe having a minimum diameter of 36-inches and length of 30-feet. Installation of the in-stream culvert shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. The culvert pipe shall be depressed a minimum of 6-inches below inlet and outlet invert elevations. The private bridge across Willholm Run shall be constructed with abutments outside the waterway, a minimum abutment to abutment span of 38-feet and minimum underclearance of 4.75-feet. As proposed, construction poses 50-feet of permanent stream impact. The project is located along the northern right-of-way of Palestine Road (T-696) approximately 600-feet east of Log Cabin Lane and Palestine Road intersection.

E18-477. Glenn Brenneman, 375 Hess Farm Road, York, PA 17403, Brenneman Crossing, in Gallagher Township, **Clinton County**, ACOE Baltimore (Jersey Mills, PA Quadrangle N: 41°18'51.7"; W: -77°29'32.4").

To construct and maintain a 30-foot long 8-foot squash pipe depressed 1-foot into the streambed of Lick Run that cuts through an eroded brast of an old well vegetated dam and covered with clean fill to create a stable road crossing for a Hemlock Woolly Adelgid timbering operation. This project proposes to permanently impact 40 linear feet of Lick Run, which is classified as an Exceptional Value—Cold Water Fishery.

E60-212. Union County Commissioners, 155 North 15th Street, Lewisburg, PA 17837. Bridge # 14, 3rd Street Bridge, in Borough of Mifflinburg, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 40°55'33"; W: 77°02'47").

To: 1) remove an existing 55-foot clear span steel bridge with stone abutments and wingwalls, 2) remove an existing concrete culvert in the left approach fill of the bridge, 3) divert the water from a 172 foot long 1-3 foot wide spring fed channel into 104 foot long new vegetated channel as a result of removing the culvert, 4) construct and maintain a 70-foot clear span concrete box beam bridge with a minimum underclearance of 5-foot 8-inches, concrete wingwalls and improve the vertical approach alignment by adding 2,774 cubic feet of clean fill to the 100-year floodway. This project proposes to temporarily impact 105 linear feet and permanently impact 90 linear feet of Buffalo Creek, which is classified as a Cold Water Fishery.

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

E02-1671. Pennsylvania Department of Transportation—District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, City of Pittsburgh and Whitehall Borough, **Allegheny County**; ACOE Pittsburgh District

Applicant is proposing to do the following:

1. To remove the existing SR 51 two lane, 12.0 foot wide by 137 foot long single span bridge having a minimum underclearance of 5.0 feet; construct and maintain a replacement two lane 12.0 foot wide by 173 foot long single span bridge having a minimum underclearance of 5.0 feet in Weyman Run (WWF) with a drainage area of 1.0 square mile;

2. To construct and maintain a 11.8 foot wide 25 foot long 7.7 foot underclearance box culvert extension on the existing Stewart Avenue, two lane, 11.5 foot wide by 50 foot long single span bridge having a minimum underclearance of 7.7 feet in Weyman Run (WWF) with a drainage area of 1.0 square mile;

3. To remove the existing SR 51 two lane, 23.5 foot wide by 67 foot long single span bridge having a minimum underclearance of 7.8 feet; construct and maintain a replacement two lane 31.8 foot wide by 66.5 foot long single span bridge having a minimum underclearance of 7.8 feet in Weyman Run (WWF) with a drainage area of 2.65 square miles;

4. To construct and maintain a new, Glenbury Street, two lane 35 foot wide by 36 foot long single span bridge having a minimum underclearance of 3.8 feet in Weyman Run (WWF) with a drainage area of 2.7 square miles;

5. To remove the existing SR 51 two lane, 24 foot wide by 72 foot long single span bridge having a minimum underclearance of 6.5 feet; construct and maintain a replacement two lane 24 foot wide by 72 foot long single span bridge having a minimum underclearance of 6.5 feet in Weyman Run (WWF) with a drainage area of 2.7 square miles;

6. To remove the existing SR 51, 38 foot wide, 225 foot long single span bridge extending thru the confluence of Weyman Run with Saw Mill Run: construct and maintain a replacement two lane 32 foot wide by 277 foot long single span concrete arch culvert having a minimum underclearance of 4.8 feet in Saw Mill Run (WWF) with a drainage area of 6.1 square miles; construct and maintain a replacement two lane 24 foot wide by 292 foot long single span concrete arch culvert having a minimum underclearance of 6.7 feet in Weyman Run (WWF) with a drainage area of 2.7 square miles to a relocated confluence with Saw Mill Run;

7. in addition install and maintain road associated stormwater outfalls; install and remove temporary encroachments for construction; and provide stream mitigation.

This project is associated with the SR 51 and SR 88 intersection improvement work with these encroachments extending approximately 0.25 mile south of the SR 51 intersection with SR 88 in the City of Pittsburgh and into Whitehall Borough, Allegheny County (beginning Pittsburgh East PA Quadrangle, North 0.7 inches and West 2.6 inches; Latitude 40° 22' 57" and Longitude -79° 59' 47"; to North 1.4 inches and West 17 inches; Latitude 40° 22' 44" and Longitude -79° 59' 33").

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

E5929-034: Talisman Energy USA, Inc, 337 Daniel Zenker Drive, Horseheads, NY 14845, Union and Ward Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a 12 inch diameter natural gas pipeline and a 6 inch diameter waterline impacting 285 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°39'12"N 76°56'30"W);

(2) a 12 inch diameter natural gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 1,994 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 33 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'16"N 76°56'42"W);

(3) a 12 inch diameter gas pipeline and a 6 inch diameter waterline impacting 716 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°39'17"N 76°56'43"W);

(4) a 12 inch diameter gas pipeline and a 6 inch diameter waterline impacting 1,595 square feet of a palustrine emergent (PEM) wetland (Gleason, PA Quadrangle 41°39'21"N 76°56'45"W);

(5) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 1,686 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'22"N 76°56'47"W);

(6) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 52 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'22"N 76°56'48"W);

(7) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber mats impacting 137 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'23"N 76°56'48"W);

(8) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and timber matting impacting 18 linear feet of an unnamed tributary to South Creek (EV) (Gleason, PA Quadrangle 41°39'23"N 76°56'49"W);

(9) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and timber matting impacting 3,307 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'23"N 76°56'49"W);

(10) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber matting impacting 2,465 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'23"N 76°56'50"W);

(11) a 12 inch diameter gas pipeline, a 6 inch diameter waterline, and a temporary crossing using timber matting impacting 70 linear feet of the Tioga River (CWF) (Gleason, PA Quadrangle 41°39'53"N 76°57'28"W);

(12) a 12 inch diameter gas pipeline, a 6 inch waterline, and a temporary crossing using timber matting impacting 357 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°39'54"N 76°57'28"W);

(13) a temporary crossing using timber matting impacting 26 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°39'54"N 76°57'30"W);

(14) a temporary crossing using timber matting impacting 199 square feet of a palustrine forested (PFO) wetland (Gleason, PA Quadrangle 41°39'55"N 76°57'30"W);

(15) a temporary crossing using timber matting impacting 9 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°39'52"N 76°57'25"W);

(16) a temporary crossing using timber matting impacting 25 linear feet of an unnamed tributary to the Tioga River (CWF). (Gleason, PA Quadrangle 41°39'54"N 76°57'24"W);

(17) a temporary crossing using timber matting impacting 280 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Gleason, PA Quadrangle 41°40'10"N 76°57'07"W);

(18) a temporary crossing using timber matting impacting 378 square feet of a palustrine open water (POW) wetland (Gleason, PA Quadrangle 41°40'15"N 76°57'02"W);

(19) a temporary crossing using timber matting impacting 468 square feet of a palustrine open water (POW) wetland (Gleason, PA Quadrangle 41°40'17"N 76°56'59"W);

(20) A temporary road crossing using two 30 foot long 60 inch diameter corrugated metal culverts impacting 30 linear feet of South Creek (EV) (Gleason, PA Quadrangle 41°40'19"N 76°56'48"W);

(21) a temporary crossing using timber matting impacting 15 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'04"N 76°57'32"W);

(22) a temporary crossing using timber matting impacting 387 square feet of an exceptional value palustrine emergent/forested (EV-PEM/PFO) wetland and 17 linear feet of an unnamed tributary to the Tioga River (CWF). (Gleason, PA Quadrangle 41°40'06"N 76°57'31"W);

(23) a temporary crossing using timber matting impacting 13 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'08"N 76°57'30"W);

(24) a temporary crossing using timber matting impacting 30 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'08"N 76°57'30"W);

(25) a temporary crossing using timber matting impacting 35 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°40'09"N 76°57'29"W);

(26) a temporary crossing using timber matting impacting 188 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Gleason, PA Quadrangle 41°40'10"N 76°57'28"W);

(27) a temporary crossing using timber matting impacting 284 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 80 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'12"N 76°57'26"W);

(28) a temporary crossing using timber matting impacting 337 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 83 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'16"N 76°57'24"W);

(29) a temporary crossing using timber matting impacting 15 linear feet of an unnamed tributary to the Tioga River (CWF) (Gleason, PA Quadrangle 41°40'18"N 76°57'23"W).

The project will result in 653 linear feet of temporary stream impacts, 14,700 square feet (0.34 acre) of temporary wetland impacts, and 280 square feet (0.01 acre) of permanent wetland impacts for the purpose of installing gathering lines for Marcellus well development and associated access roads in Ward and Union Townships, Tioga County.

E1729-006: EQT Gathering, LLC, 455 Racetrack Road, Suite 101, Washington, PA, 15301, Pine & Huston Townships, **Clearfield County**, ACOE Baltimore District.

To construct, operate and maintain the NILO-S010 Pipeline Project, which consists of one 6.5-inch Fiberspar natural gas pipeline, with the following impacts:

1. 3,950 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'54.93", Longitude: W78°34'30.49");

2. 42.0 linear feet of Anderson Creek (HQ-CWF, MF), 11,000 square feet of Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, and 2,600 square feet of Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'50.50", Longitude: W78°34'29.64");

3. 1,300 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'48.34", Longitude: W78°34'29.26");

4. 2,550 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'47.07", Longitude: W78°34'29.23");

5. 1,500 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'40.68", Longitude: W78°34'28.42");

6. 122.0 linear feet of Whitney Run (HQ-CWF, MF) and 1,550 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'15.42", Longitude: W78°34'18.39"); and

7. 350 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'13.01", Longitude: W78°34'17.11").

The project will result in 164.0 linear feet of temporary stream impacts, 11,200 square feet (0.26 acre) of temporary PEM wetland impacts, 11,000 square feet (0.25 acre) of temporary EV PEM wetland impacts, and 2,600 square feet (0.06 acre) of temporary EV PSS wetland impacts all for the purpose of installing a natural gas pipeline and associated access roadways for Marcellus shale development.

E6629-013: PVR NEPA Gas Gathering, LLC, 100 Penn Tower Square, Suites 201 & 202, Williamsport, PA 17701, Nicholson Borough & Nicholson Township, Wyoming County, ACOE Baltimore District.

To construct, operate and maintain the Polovitch East to Jerauld 12-inch Extension Natural Gas Pipeline, which consists of one 12-inch, natural gas pipeline with associated temporary construction accesses, with impacts as follows:

1. 2,689 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'03.91", Longitude: W75°48'05.94");

2. 29 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'08.66", Longitude: W75°47'39.67");

3. 43 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'07.83", Longitude: W75°47'38.90");

4. 61.0 linear feet of Horton Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'08.27", Longitude: W75°47'36.53");

5. 62.0 linear feet of a UNT to Horton Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'05.37", Longitude: W75°47'31.94");

6. 60.0 linear feet of Martin Creek (CWF, MF) and 1,058 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via Horizontal Directional Drilling (Hop Bottom, PA Quadrangle, Latitude: N41°37'58.40", Longitude: W75°46'55.91");

7. 40 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'52.27", Longitude: W75°46'50.29");

8. 1,253 square feet of a Palustrine Open Water (POW) Wetlands via Horizontal Directional Drilling (Hop Bottom, PA Quadrangle, Latitude: N41°37'56.92", Longitude: W75°46'46.55");

9. 238 square feet of Palustrine Emergent (PEM) Wetlands via Horizontal Directional Drilling (Hop Bottom, PA Quadrangle, Latitude: N41°37'57.26", Longitude: W75°46'45.71");

10. 62.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'56.84", Longitude: W75°46'12.63");

11. 147.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'57.64", Longitude: W75°46'11.16");

12. 334 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'58.51", Longitude: W75°46'08.94");

13. 74.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) and 522 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'13.34", Longitude: W75°45'59.48");

14. 1,445 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'14.24", Longitude: W75°45'58.67"); and

15. 30.0 linear feet of a UNT to Willow Brook (CWF, MF) via temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'28.06", Longitude: W75°45'07.30").

The project will result in 496.0 linear feet of permanent stream impacts, 3,373 square feet (0.08 acre) of impacts to Palustrine Emergent (PEM) Wetlands, 3,025 square feet (0.07 acre) of impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 1,253 square feet (0.03 acre) of impacts to Palustrine Open Water (POW) Wetlands, all for the purpose of installing one 12-inch, natural gas pipeline with associated temporary construction accesses for the development of the Marcellus Shale.

E5829-034: PVR NEPA Gas Gathering, LLC, 100 Penn Tower Square, Suites 201 & 202, Williamsport, PA 17701, Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate and maintain the Polovitch East to Jerauld 12-inch Extension Natural Gas Pipeline, which consists of one 12-inch, natural gas pipeline with associated temporary construction accesses, with impacts as follows:

1. 66.0 linear feet of a UNT to Willow Brook (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'34.29", Longitude: W75°45'14.28");

2. 61.0 linear feet of a UNT to Willow Brook (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'39.65", Longitude: W75°45'15.77");

3. 83.0 linear feet of Willow Brook (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'43.17", Longitude: W75°45'11.12");

4. 10,992 square feet of Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'43.57", Longitude: W75°45'10.42");

5. 61.0 linear feet of a UNT to Utlely Brook (CWF, MF) via open cut trenching and temporary timber matting (Lenoxville, PA Quadrangle, Latitude: N41°38'55.76", Longitude: W75°44'38.87"); and

6. 3.0 linear feet of a UNT to Utlely Brook (CWF, MF) via temporary timber matting (Lenoxville, PA Quadrangle, Latitude: N41°38'56.64", Longitude: W75°44'42.86").

The project will result in 274.0 linear feet of permanent stream impacts, and 10,992 square feet (0.25 acre) of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, all for the purpose of installing one 12-inch, natural gas pipeline with associated temporary construction accesses for the development of the Marcellus Shale.

Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Announcement_Final

[Permit # E63-07-001]. MarkWest Liberty Midstream & Resources, LLC, 601 Technology Dr., Suite 130, Canonsburg, PA 15317. To construct an access road, associated with a compressor station, crossing T40889 to Bane Creek and Wetland 1 in Amwell Township, **Washington County**, Pittsburgh ACOE District, State Water Plan Basin 19-B, (Amity, PA Quadrangle; Latitude: N 40° 04' 56"; Longitude: W 80° 13' 10"), Tenmile Creek Watershed. The applicant proposes to remove a temporary bridge and install a 24' x 5' conspan arch bridge (26-foot bridge length, 16-foot bridge width, and 7.6-foot bridge height, including 25' x 16' x 3' concrete footer) crossing the stream channel and adjacent floodplain of T40889 to Bane Creek (TSF) to serve as permanent access to Baker compressor station. Impacts include one (1) palustrine emergent wetland totaling approximately 0.0014 acre and approximately 50 linear feet to tributary T40889 to Bane Creek (TSF). The upstream watershed drainage at the access road crossing is approximately 1,055 acres (1.65 mi²).

<i>Wetland Name</i>	<i>Coordinates</i>	<i>Proposed Area Impact</i>
Wetland	40° 04' 48" 80° 13' 11"	0.0014 (ac.)
<i>Stream Name</i>	<i>Coordinates</i>	<i>Proposed Linear Impact</i>
T40889 to Bane Creek	40° 04' 56" 80° 13' 10"	50 ft. (Bridge & rip rap)

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: Water Management 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>
PA0083046 (IW)	Easco Hand Tools Inc. 10 Appletree Circle Wrightsville, PA 17368-9512	Lancaster County West Hempfield Township	UNT to West Branch Little Conestoga Creek / 7-J	Y
PA0022233 (Sew)	Arendtsville Borough Municipal Authority 1 Chestnut Street PO Box 508 Arendtsville, PA 17303-0181	Adams County Arendtsville Borough	Conewago Creek / 7-F	Y
PA0028592 (Sew)	Bonneauville Borough 46 E Hanover Street Gettysburg, PA 17325	Adams County Bonneauville Borough	Chicken Run / 13-D	Y
PA0084484 Amendment No. 1 (Sew)	Salisbury Township Lancaster County 5581 Old Philadelphia Pike Gap, PA 17527-9791	Lancaster County Salisbury Township	UNT to Pequea Creek / 7-K	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>
PA0008796 (Industrial Waste)	L3 Communications 1035 Westminster Drive Williamsport, PA 17701	Lycoming County Loyalsock Township	Unnamed Tributary of West Branch Susquehanna River (10-B)	Y

<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>
PA0110761 (Industrial Waste)	Shamokin Dam Borough Water System Helen Street Shamokin Dam, PA 17876-0273	Snyder County Shamokin Dam Borough	Fiss Run (6-A)	Y
PA0209074 (Sewage)	Hidden Valley MHP 97 Sandra Lee Drive Linden, PA 17744-9005	Lycoming County Woodward Township	Unnamed Tributary to Quenshukeny Run (10-A)	Y
<i>Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i>				
<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>
PA0090816 Sewage	51 Park Properties Route 51 Forward Township, PA 15037	Allegheny County Forward Township	Gillespie Run	Y
PA0098922 Sewage	Big Knob Elementary School 1701 8th Avenue Freedom, PA 15042	Beaver County Sewickley Township	Pine Run	Y
PA0219045 Sewage	Apollo Ridge School District PO Box 219 Spring Church, PA 15686	Armstrong County Kiskiminetas Township	UNT of Roaring Run	Y

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

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

NPDES Permit No. PA0050989, Sew, **Frederick Mennonite Community**, PO Box 498, Frederick, PA 19435.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.0499 MGD treated sewage from a facility known as Frederick Mennonite Community STP to Unnamed Tributary to Swamp Creek in Watershed 3-E.

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

NPDES Permit No. PA0020834 Amendment No. 1, Sewage, **Greencastle Franklin County Authority**, 60 North Washington Street, Greencastle, PA 17225-1230.

This proposed facility is located in Greencastle Borough, **Franklin County**.

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

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

NPDES Permit No. PA0254380, Sewage, **Ursina Borough**, 418 Park Street, Confluence, PA 15424-0055

This proposed facility is located in Ursina Borough, **Somerset County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

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. 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: Modifications to upgrade the facility Trout Run STP by replacing aging sludge dewatering equipment with a new rotary press system.

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: Modifications to upgrade the facility Matsunk STP by replacing aging sludge dewatering equipment with a new rotary press system.

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

WQM Permit No. 3212202, Industrial Waste, **EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748-8009

This proposed facility is located in Center Township, **Indiana County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a new sludge dewatering facility.

WQM Permit No. 6570401-A4, Alcoa, Inc., 100 Technical Drive, Alcoa Technical Center, PA 15069-0001

This existing facility is located in Upper Burrell Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. WQG026136, Sewerage, **Rostraver Township Sewage Authority**, 1744 Rostraver Road, Belle Vernon, PA 15012

This proposed facility is located in Rostraver Township, **Westmoreland County**

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

WQM Permit No. 5685404-A2, Sewerage, **Seven Springs Borough Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622-9801

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

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 6573448-A7, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642

This existing facility is located in North Huntingdon Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

WQM Permit No. WQG018850, Sewage, **David Lisk**, 1400 Daugherty Run Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Replacement of an existing malfunctioning on-lot system.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091111	Kinder Morgan Bulk Terminals, Inc. 1 Sinter Road Fairless Hills, PA 19030	Bucks	Falls Township	Delaware River (WWF-MF)
PAI01 1507004-R	Ms. Hettie J. Herzog 1057 St. Matthews Road Chester Springs, PA 19425	Chester	West Vincent Township	Pickering Creek (HQ)
PAI0 151212	Tredyffrin Township 1100 Duportail Road Berwyn, PA 19312	Chester	Tredyffrin Township	Crabby Creek (MF) and Valley Creek (EV)

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108009	Shannon Rusk KTJ 206, LLC 5125 County Road 101, Suite 100 Minnetonka, MN 55345	Cumberland	Middlesex Township	LeTort Spring Run (HQ-CWF)

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

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

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

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, X 4

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045312001	Headwaters Water Reclamation LLC 4 Windham Hill Mendon NY 14506	Potter	Ulysses Township	Luddington Run CWF, HQ

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>
PAI052611002	Pennsylvania Department of Transportation District 12-0 PO Box 459 825 North Gallatin Avenue Uniontown, PA 15401	Fayette	Springfield Township	Mill Run (HQ-CWF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 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*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Makefield Township Bucks County	PAG0200 0912033	Lower Makefield Township 1100 Edgewood Road Yardley, PA 19067-1689	Unnamed Tributary Buck Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG0200 0909069	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 9063	Little Neshaminy Creek/Pennypack Creek (WWF-MF-TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Bucks County	PAG0200 0912030	JMDH Real Estate of Langhorne 15-24 132nd Street College Point, NY 11356	Queen Anne Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Delaware County	PAG0200 2312020	Blue Hen Development PO Box 306 Drexel Hill, PA 19026	Crum Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Dallas Twp., Luzerne County	PAG02004011021	Halbing-Amato Developers, LLC John Halbing 3579 Suite 2 Memorial Hwy. Dallas, PA 18612	Trout Run, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Upper Saucon Twp., Lehigh County	PAG02003911006	Dennis Benner Blue Belle, LLC 2005 City Line Rd. Bethlehem, PA 18017	Saucon Creek, CWF, MF; Laurel Run, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Williams Twp. and Glendon Borough, Northampton County	PAG02004810004R	Gregory Chrin Chrin Brothers, Inc. 635 Industrial Drive Easton, PA 18042	Unnamed Tributary to the Lehigh River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
South Abington Twp., Lackawanna County	PAG02003512005	Abington Regional Wastewater Authority Donald Snyder P. O. Box 199 200 Northern Blvd. Chinchilla, PA 18410	Leggetts Creek, TSF, MF	Lackawanna Co. Cons. Dist. 570-281-9495

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

*Facility Location:
Municipality &
County*

<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>
Franklin Twp. Adams County	PAG02000111014(2)	Daniel Colvin Paint the Wind, LLC 1207 Flohrs Church Road Biglerville, PA 17307	UNT to Marsh Creek/CWF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

<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>
Caernarvon Twp. Berks County	PAG02000610037R	Neal Fisher The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	UNT to Conestoga/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Windsor Township	PAG02000604101R	Walter Greth Greth Homes 238 Snyder Road Reading, PA 19605	Kaercher Creek Dam/WWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Rapho Township Lancaster County	PAG02003612056	Kevin Rohrer 2115 Rohrer Road Manheim, PA 17545	Chickies Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
West Donegal Township Lancaster County	PAG02003612053	Trustees to Mansonic Temple One Masonic Drive Elizabethtown, PA 17022	Conoy Creek/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

*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>
Towanda Borough Bradford County	PAG02000812029	Gary Engler Memorial Hospital One Hospital Dr Towanda PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Monroe Borough Bradford County	PAG02000812036	Randy Williams Dandy #36 Monroeton LLC Towanda PA 18848	Towanda Creek WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Bellefonte Borough Spring Township Centre County	PAG02001411010R	Karen Michael PA Dept of Transportation 1924-30 Daisy St Ext Clearfield PA 16830	UNT to Spring Creek HQ-CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817

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<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>
Hemlock Township Columbia County	PAG02001912007	Kirk Lehman 131 Dutch Hill Rd Bloomsburg PA 17815	UNT to Hemlock Ck CWF, MF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310
Colley Township Sullivan County	PAG02005712001	Dept of Transportation 715 Jordan Ave Montoursville PA 17754	North Branch Meehopany CWF	Sullivan County Conservation District 9219 Route 487 Ste B Dushore PA 18614 (570) 928-7057
<i>Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<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>
Potter Township Beaver County	PAG02000412010	Susan Malone Pennsylvania Department of Environmental Protection 400 Waterfront Drive Pittsburgh, PA 15222	Poor House Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
City of Johnstown Cambria County	PAG02001112005	Cambria County Transit Authority 726 Central Avenue Johnstown, PA 15902	Little Conemaugh River (WWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Cecil Township Washington County	PAG02006305022R	Maple Leaf Homes, Inc. Lynn Foltz PO Box 401 Bridgeville, PA 15017	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Chartiers Township Washington County	PAG02006312003	Graziani Homes William Graziani 1028 Oak Ridge Road Canonsburg, PA 15317	Brush Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
California Borough Washington County	PAG02006312034	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
Cranberry Township Butler County	PAG02001010004(1)	Cranberry Township Attn: Lorin F. Meeder 2525 Rochester Rd Cranberry Township PA 16066	Brush Creek WWF	Butler County Conservation District 724-284-5270

<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>
Vernon Township Crawford County	PAG02002012003	Palmiero Toyota Attn: Allison Brady 16165 Conneaut Lake Road Meadville PA 16335	Watson Run WWF	Crawford County Conservation District 814-763-5269
Hickory Township Lawrence County	PAG02003708002R	Blaine Forbes 3340 US Route 422 New Castle PA 16101	UNT Neshannock Creek TSF	Lawrence County Conservation District 724-652-4512

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>
Lansdale Borough Montgomery County	PAR600063	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
Skippack Township Montgomery County	PAR800168	Robert Marshall Inc. 2067 Bridge Street Skippack, PA 19474	Unnamed Tributary to Skippack Creek in Watershed—3E	Southeast Region Clean Water Program 484.250.5970
Montgomery County	PAR800012	Moyer & Son Inc. 113 E. Reliance Road Souderton, PA 18964	Unnamed Tributary to Indian Creek—3E	Southeast Region Clean Water Program 484.250.5970
Whitemarsh Township Montgomery County	PAR130011	National Label Company 2025 Joshua Road Lafayette Hill, PA 19444	Unnamed Tributary to Schuylkill River—3E	Southeast Region Clean Water Program 484.250.5970
Covington Township Tioga County	PAR604848	Auwarter Auto Salvage Inc. 742 North Williamson Road Covington, PA 16917	Unnamed Tributary of Tioga River—4-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Cherry Township Sullivan County	PAR314829	Aerion Rental Services 11071 Route 220 Dushore, PA 18614	Unnamed Tributary of Marsh Run—10-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

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>
City of Oil City Venango County	PAR208326	Webco Industries, Inc. 363 Seneca Street Oil City, PA 16301	Oil Creek 16-E	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**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Conewango Township Warren County	PAG041083	David Lisk, 1400 Daugherty Run Road, Warren, PA 16365	Dougherty Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Bangor Borough, Northampton County	PAG08-2215	Bangor Borough Authority 58 Market St. P. O. Box 51 Bangor, PA 18013	Bangor Borough Wastewater Treatment Plant 900 Lower South Main St. Bangor, Pa 18013	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511

*General Permit Type—PAG-10**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Jessup Township Susquehanna County	PAG102244	Williams Field Services Co. LLC 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	South Branch Wyalusing Creek and Unnamed Tributary to Shelp Creek—04D	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553
Dimock And Brooklyn Townships Susquehanna County	PAG102243	Williams Field Service Company, LLC (Ely Lake Pipeline Project) 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Horton Creek and Unnamed Tributary to Meshoppen Creek—4-F and 4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553
Wyalusing Township Bradford County	PAG104830	Central New York Oil & Gas 800 Robinson Road Owego, NY 13827	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Davidson Township Sullivan County	PAG104831	Central New York Oil & Gas 800 Robinson Road Owego, NY 13827	Marsh Run—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

General Permit Type—PAG-12

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
East Hanover Township Lebanon County	PAG123538	Swatara Swine CAFO Country View Family Farms LLC 1301 Fulling Mill Road Middletown, PA 17057	Swatara Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
East Hanover Township Lebanon County	PAG123540	Mach CAFO Country View Family Farms LLC 1301 Fulling Mill Road Middletown, PA 17057	UNT to Swatara Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Approved or Disapproved
RM Snyder Hog Farm, LLC Ryan Snyder 6 Snyder Lane Lewistown, PA 17044	Mifflin	197.1	682.85	Swine Finisher	NA	Approved
D. Fred Miller & Sons 580 Church Road East Berlin, PA 17316	Adams	1139.9	681.57	Turkey	NA	Approved
Tim Heckenluber 413 Heckenluber Road Biglerville, PA 17307	Adams	20	398.29	Turkey	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 sec-

tion 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 appropri-

ate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0912508, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Township Middletown

County **Bucks**

Type of Facility PWS

Consulting Engineer Hatch Mott McDonald
27 Bleeker Street
Millburn, NJ 07041-1008

Permit to Construct Issued August 21, 2012

Permit No. 4612512, Public Water Supply.

Applicant **North Wales Water Authority**
200 West Walnut Street
POB 1339
North Wales, PA 19445-0339

Townships Multiple

County **Bucks**

Type of Facility PWS

Consulting Engineer Carroll Engineering Corporation
949 Easton Road
Warrington, PA 18976

Permit to Construct Issued August 22, 2012

Permit No. 0912513, Public Water Supply.

Applicant **Bucks County Water & Sewer Authority**
1275 Almshouse Road
Warrington, PA 18976

Townships Multiple

County **Bucks**

Type of Facility PWS

Consulting Engineer Gilmore & Associates, Inc.
350 Butler Avenue
New Britain, PA 18901

Permit to Construct Issued August 22, 2012

Operations Permit # 4612515 issued to: **Aqua Pennsylvania, Inc.** 762 West Lancaster Avenue Bryn Mawr, PA 19010 [(PWSID)] Whitemarsh Township, **Montgomery County**, on August 21, 2012 for the operation of facilities Bubbling Spring Well Station approved under construction permit #4609527.

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

Permit No. 0112504, Public Water Supply.

Applicant **Bonneauville Borough Municipal Authority**

Municipality Bonneauville Borough

County **Adams**

Responsible Official Bernie Shanebrook, Borough Manager
86 West Hanover Street
Gettysburg, PA 17325

Type of Facility Installation of greensand filtration for manganese treatment at well No. 11.

Consulting Engineer Bruce Hulshizer, P.E.
Buchart-Horn Inc.
445 West Philadelphia Street
York, PA 17401-3383

Permit to Construct Issued: 8/3/2012

Permit No. 0112505, Public Water Supply.

Applicant **Bonneauville Borough Municipal Authority**

Municipality Bonneauville Borough

County **Adams**

Responsible Official Bernie Shanebrook, Borough Manager
86 West Hanover Street
Gettysburg, PA 17325

Type of Facility Installation of greensand filtration at Well No. 13.

Consulting Engineer Bruce Hulshizer, P.E.
Buchart-Horn Inc.
445 West Philadelphia Street
York, PA 17401-3383

Permit to Construct Issued: 8/3/2012

Operations Permit issued to: **Keystone Diner**, 7010342, Berwick Township, **Adams County** on 8/13/2012 for the operation of facilities approved under Construction Permit No. 0111502.

Operations Permit issued to: **Eagle View MHP**, 7010055, Berwick Township, **Adams County** on 8/3/2012 for the operation of facilities submitted under Application No. 0111519 MA.

Operations Permit issued to: **Michaux Manor Living Center**, 7280062, Quincy Township, **Franklin County** on 8/22/2012 for the operation of facilities submitted under Application No. 2812502 MA1.

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

Permit No. 4111501—Operation Public Water Supply.

Applicant	Village Water Company, Inc.
[Township or Borough]	Fairfield Township
County	Lycoming
Responsible Official	Christine Weigle, Vice President Village Water Company, Inc. P. O. Box 186 Montoursville, PA 17754
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	August 23, 2012
Description of Action	Operation of the 200,000 gallon pedisphere finished water storage tank and the interconnections with Tules Run, Bella Vista, and Mountain View developments.

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

Operation Permit issued to Borough of Fredonia, PWSID #6430036, Fairview Township, **Mercer County.** Permit Number 4311504 issued August 24, 2012 for the operation of the modifications to the treatment facility. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on June 29, 2012 and July 12, 2012.

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

**Public Notice of Proposed Consent Order
and Agreement
Bottle House Site, City Of Allentown,
Lehigh 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 de minimus settlement in the form of a Consent Order and Agreement (CO&A) with Solid Waste Services, Inc. d/b/a J.P. Mascaro & Sons (Settlor). The CO&A addresses the investigation and removal of hazardous substances and/or contaminants which were transported to the Bottle House Site (Site) by the Settlor. The Settlor will reimburse the Department their portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 401—451 North Front Street, Allentown, Lehigh County and consists of a large three-story brick building that was the former bottling house for the Neuweiler Brewery. Brewery operations ceased at this site in the late 1960s. The Site then became an industrial property being utilized as a warehouse and manufacturing facility, which is surrounded on three sides by family residences, and by a community recreational area on the fourth side. The operations resulted in large quantities of hazardous substances and or contaminants being stored in the building. The Department alleges that the Settlor transported a nominal amount of hazardous substances and/or contaminants to the Site.

The Department initiated a prompt interim response action under the HSCA on September 27, 1999. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous substances and/or contaminants that were present on the site. The response was completed on April 28, 2000, at a cost of \$1,563,183.46.

The settlement proposed in the CO&A referenced above would resolve certain potential claims of the Department solely against the Settlor, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances and/or contaminants at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). The proposed settlement would require the Settlor to pay the Department the amount of \$5,000.

The specific terms of the settlement are set forth in the CO&A between the Department and the Settlor, which is available for public review and comment. 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 the Settlor shall be effective upon the date that the Department notifies the Settlor, in writing, that the CO&A 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.

A copy of the CO&A is available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Robert Lewis, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18701-0915. Further information may be obtained by contacting Robert Lewis at 570-826-2511.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the

final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

477 North West End Boulevard, Richland Township, **Bucks County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19462 on behalf of Irwin Kroiz, West End Blvd, Associates, L.P. 505 West Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

904 Fairview Avenue Site, Lower Southampton Township, **Bucks County**. Patrick S. Crawford, P.G., Crawford Environmental Service, LLC. 195 Proudfoot Drive, Birdsboro, PA 19508, C&L Fuel, 1504 Newport Road, Bristol, PA 19007 on behalf of John Morozin, 904 Fairview Avenue, Feasterville, PA 19053 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

1571 Valley Forge Road, Schuylkill Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Anthony Schaeffer, TNH LP, 300 Conshohocken State Road, Suite 210, West Conshohocken, PA 19428 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.

MGM Ridley Parking, LP Site, Ridley Township, **Delaware County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Kim Rinnier, MGM Ridley Parking, LP, 760 Parkes Run, Villanova, PA 19805 has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Air Production & Chemical Inc., Morrisville Borough and Falls Township, **Bucks County**. Kent V. Littlefield, SAIC Energy, Environment & Infrastructure, LLC, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Edward J. Dulac, Air Products and Chemicals

Inc., 7021 Hamilton Boulevard, Allentown, PA 18195-1501 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead. The report is intended to document remediation of the site to meet the site Specific Standard.

Capozzi/David Property, City of Philadelphia, **Philadelphia County**. Jeffery K. Walsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Thomas S. Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bryan Cullen, Westrum Park Place, L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with arsenic, benzo. The report is intended to document remediation of the site to meet the Site Specific Standard.

Webb Properties, City of Philadelphia, **Philadelphia County**. Stephen D. Brower, Environmental Standards, Inc. 1140 Valley Forge, Road, PO Box 810, Valley Forge, PA 19482-0810 on behalf of Terry Webb, Webb Properties, 1864 Nicole Drive, Dresher, PA 19025 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Altoona North Terminal / Mobil Altoona, 664 Burns Avenue, Altoona, PA 16601, Allegheny Township, **Blair County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Altoona Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a combined Remedial Investigation and Final Report concerning site soils and groundwater contaminated with VOCs, PAHs, and lead. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health and Site-Specific standards.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Scottdale Housing Former Gas Station, 226 South Broadway Street, Scottdale Borough, **Westmoreland County**. Cribbs and Associates, Inc., PO Box 44, Delmont, Pa 15626 on behalf of Scottdale Housing L.P., 218 South Maple Avenue, Greensburg, PA 15601 has submitted a Final Report concerning the remediation of site contaminated with leaded gasoline in soil and groundwater contaminated with chlorinated solvents. The end use of the site will be residential.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Li'l Wolf Mobil Home Park, 4247 Wolf Den Court, North Whitehall Township, **Lehigh County**. Thomas Martinelli, JMT Environmental, 3353-C Gun Club Road, Nazareth, PA 18064, submitted a Final Report on behalf of his client, Robert Millette, 3411 Li'l Wolf Drive, Orefield, PA 18069, concerning the remediation of soil found to have been impacted by used motor oil. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on August 22, 2012.

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

Poppi Al's Pizza, 7750 Allentown Boulevard, Harrisburg, PA 17112, West Hanover Township, **Dauphin County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Poppi Al's Pizza, 7750 Allentown Boulevard, Harrisburg, PA 17112, submitted a Final Report concerning remediation

of site soils and groundwater contaminated with heating oil and leaded gasoline from unregulated underground storage tanks. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on August 21, 2012.

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

PHC P well Pad (PHC 9H Gas Well Pad), Lawrence Township, **Clearfield County**. Wilson Ecological Consulting, LLC, 314 Hill Top Lane, Port Matilda, PA 16870 on behalf of Punxsutawney Hunting Club, Inc. PO Box 27, Punxsutawney, PA 15767 has submitted a Final Report concerning the remediation of site groundwater contaminated with Aluminum, Barium, Manganese, Chloride. The Final report demonstrated attainment of the Background and Statewide Health Standard and was approved by the Department on August 13, 2012.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Maraney's Diamond Detailing, 110 South Vine Street, Carmichaels Borough, **Greene County**. Robert F. Kleinschmidt, Miller Environmental Inc., 7 Pixler Hill Road, Morgantown, WV 26508 on behalf of Todd Johnson, P. O. Box 519, Morgantown, WV 26507 has submitted a Final Report concerning the removal of unregulated underground storage tanks previously used for gasoline and waste oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 23, 2012.

AIR QUALITY

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

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

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

GP3-09-312B: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on August 15, 2012, authorize the construction and operation of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Leroy Quarry #1 facility located in Leroy Township, **Bradford County**.

GP9-09-312B: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on August 15, 2012, authorize the construction and operation of a 300 brake-horsepower (bhp) Caterpillar model C-9 MBD10805 diesel-fired engine, a 129 bhp Caterpillar, model C4.4 44404321 diesel-fired engine, a 100 bhp Deutz diesel-fired engine, a 99 bhp Deutz diesel-fired engine and three (3) 40 bhp diesel-fired engines pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Leroy Quarry #1 located in Leroy Township, **Bradford County**.

GP5-18-179B: Texas Keystone, Inc. (560 Epsilon Drive, Pittsburgh, PA 15238-2837) on July 25, 2012, for the construction of one 300 bhp Caterpillar model G379

NA 4SRB (four-stroke rich-burn) (serial number #72B01175) compressor engine equipped with a EMIT NSVR Catalytic Converter model EAS-1450T-0606 NSCR catalytic converter and the continued operation of existing glycol dehydrator of a NATCO model SGR-125-KR-4015 with a reboiler heat input of 0.125 MMBtu/hr and two 2100 gallon pipeline liquids tanks, at the Horne Compressor Station located in Beech Creek Township, **Clinton County**.

GP3-49-336B: Contract Crushing/Construction Inc. (432 Quarry Road, Elysburg, PA 17824) on August 22, 2012, to construct and operate a portable non-metallic mineral Metso LT1213 crusher with associated water spray dust suppression system to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the facility in Ralpho Township, **Northumberland County**.

GP9-49-336B: Contract Crushing/Construction Inc. (432 Quarry Road, Elysburg, PA 17824) on August 22, 2012, to construct and operate one 425 bhp Caterpillar model C-12 pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines, at the facility in Ralpho Township, **Northumberland 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

GP5-65-00955A: Peoples Natural Gas Company, LLC (1201 Pitt Street, Pittsburgh, PA 15221) on August 22, 2012, to renew the authorization for operation of one Caterpillar natural gas-fired engine rated at 633 bhp at the Merwin Compressor Station located in Washington Township, **Westmoreland County**.

GP5-56-00315: Mountain Gathering, LLC (810 Houston Street, Suite 200, Fort Worth, Texas 76102) on August 22, 2012, to allow the operation of one (1) 145 bhp Caterpillar natural gas-fired engine and one (1) 3 MMscfd dehydration unit at the Eckhardt 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

GP9-10-325B: Butler VA Medical Center (325 New Castle Road, Butler, PA 16001) on August 10, 2012, to operate a Caterpillar, Model No. C15DE8J Diesel Engine for Building 99, a Cummins DFEHQXSX15-G9 (591 bhp) for Building 2, and a Cummins DFEHQXSX15-G9 (520 bhp) for Building 7 (BAQ/GPA/GP-9) in Butler Township, **Butler County**.

GP4-37-320A: Veolia ES Alaron LLC—d/b/a Alaron Nuclear Services (2138 State Route 18, Wampum, PA 16157) on August 31, 2012, to operate a Blu-Surf Burn Off Oven, 15 lb/hr capacity unit (BAQ/GPA/GP-4), in New Beaver Borough, **Lawrence County**.

GP5-33-191A: Mountain Gathering LLC—Hamilton Compressor Station (1066 St. Jacobs Church Road, Punxsutawney, PA 15767) on August 14, 2012, to operate one (1) rich burn, 4 stroke natural gas engine, Caterpillar Model No. G342TA rated 265 bhp at 1,200 rpm, and one (1) 25,500 gallon produced water/residual compressor oil storage tank (BAG/GPA/GP-5), in Perry Township, **Jefferson 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

46-0278: Data Based Systems International, Inc.—DBSI (1000 Adams Avenue, Audubon, PA 19403) on August 21, 2012, for operation of six (6) diesel-fired emergency generator sets, each having an electrical production capacity 2.0 megawatts at their facility in Lower Providence Township, **Montgomery County**. The plan approval is for a non-Title V, State-only facility. These were installed between 2008 and December 2011 and were previously exempted under the Department's Request for Determination (RFD) program. DBSI provides back-up electrical power to the medical industry during utility power outages and during electrical infrastructure maintenance and is applying to operate these engines more hours per year so as to be able to maintain the necessary back-up power supply that their customers demand. Aggregate NO_x emissions shall not exceed 24.56 tons in any 12 consecutive month period. The units are subject to the NSPS requirements found in 40 CFR 60, Subpart IIII. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

ER-67-05016G: R.H. Sheppard Co., Inc. (PO Box 877, Hanover, PA 17331-0877) on August 20, 2012, for an Air Quality Emission Reduction Credit (ERC) approval of 20.09 tons of volatile organic compounds (VOC) from the replacement of naphtha with a water-based solution in the cold cleaning machines (Sources 101 and 101A) at the power steering truck component manufacturing facility in Hanover Borough, **York County**.

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

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

08-00020B: Seaboard International, Inc. (PO Box 213, Ulster, PA 18850-0213) on August 23, 2012, to construct a wellhead equipment repair operation at their facility in Ulster Township, **Bradford County**.

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

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

10-284F: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) on August 15, 2012, to adopt alternative compliance procedures for the operation of the existing landfill gas extraction system at their municipal solid waste landfill facility in Jackson Township, **Butler County**.

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.

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

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

34-05001D: Armstrong Cabinet Products (12393 William Penn Highway, Thompsettown, PA 17094) on August 21, 2012, to modify the wood cabinet surface coating operation in Delaware Township, **Juniata 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

57-00003A: Sullivan County School District (777 South Street, PO Box 240, Laporte, PA 18626) on July 31, 2012, to extend the authorization to operate a biomass-fired boiler at their facility in Laporte Borough, **Sullivan County** on a temporary basis to January 27, 2013. 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

65-00837B: Dominion Transmission, Inc., Oakford Compressor Station (D.L. Clark Bldg., 501 Martindale St., Suite 400, Pittsburgh, PA, 15212) located in Salem Township, **Westmoreland County**. The company has requested a plan approval extension in order to prepare and submit a revision to the Title V operating permit application so that the requirements of this plan approval can be included.

30-00077B: Texas Eastern Transmission, L.P. (P. O. Box 1642, Houston, TX 77251-1642) on August 23, 2012, DEP extended Air Quality Plan Approval PA-30-00077B for 180 days. Extension is to allow additional time for DEP to issue the pending TVOP application. Plan Approval PA-30-00077B was issued to Texas Eastern (TE) on January 26, 2009 to authorize the installation of a new Solar Mars 100-150002S III turbine rated at 15,000 hp, the installation of a turbine fuel gas heater rated at 0.874 mmbtu/hr, the installation of a remote reservoir parts washer, the inclusion of transient emission estimates for an existing Solar Mars 100-150002S II turbine and the permanent disablement of four existing Cooper Bessemer GMV-10-S internal combustion engines (Sources 103, 104, 105, 107) at their Holbrook Station located in Wind Ridge, Richhill Township, **Greene County**. The turbine design incorporated dry low NO_x (DLN) combustion technology along with oxidation catalyst to control emissions of Carbon Monoxide and Volatile Organic Compounds.

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

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

10-001M: AK Steel Corp. (P. O. Box 832, Butler, PA 16003-0832) on August 31, 2012, to modify the Melt Shop to increase production in the City of Butler, **Butler County**. This includes the construction of a conventional Electric Arc Furnace (EAF) and a dual station Ladle

Metallurgical Facility (LMF) at the Melt Shop facility, Butler Works. This plan approval is subject to the Prevention of Significant Deterioration (PSD) requirements for Carbon Monoxide (CO), Sulfur Dioxide (SO₂) and Nitrogen Dioxide (NO₂). The facility currently has a Title V permit which was issued February 13, 2006.

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

21-05038: Holy Spirit Hospital (503 North 21st Street, Camp Hill, PA 17011-2288) on August 22, 2012, to operate their hospital and medical services institution in East Pennsboro Township, Cumberland County. The Title V permit underwent a significant modification to incorporate updated requirements in 40 CFR Part 60, Subpart Ce—Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators, and to clarify the applicability of 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

Operating Permits for Non-Title V Facilities Issued 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

21-05040: New Enterprise Stone & Lime Co., Inc.—dba Valley Quarries, Inc. (470 Newville Road, Shippenburg, PA 17257-9504) on August 9, 2012, for their limestone crushing and hot mix asphalt facility in Southampton Township, **Cumberland County**. The State-only permit was renewed.

01-05026: Bituminous Paving Materials (100 Green Springs Road, Hanover, PA 17331-8979) on August 17, 2012, for their drum mix asphalt and aggregate storage and handling facility in Berwick Township, **Adams County**. The State-only permit was renewed.

67-05120: Magnesita Refractories Co. (425 South Salem Church Road, York, PA 17408-5955) on August 2, 2012, for their limestone quarry operation in West Manchester Township, **York County**. The State-only permit was renewed.

36-05139: Advanced Food Products, LLC (158 West Jackson Street, New Holland, PA 17557-1607) on August 20, 2012, for their food processing facility in New Holland Borough, **Lancaster County**. The State-only permit was renewed.

36-03042: Haines & Kibblehouse, Inc. (303 Quarry Road, Peach Bottom, PA 17563-9739) on August 16, 2012, for their Spring Quarry stone crushing operations in Fulton Township, **Lancaster County**. The State-only permit was renewed.

22-03017: Hoover Funeral Home & Crematory, Inc. (6011 Linglestown Road, Harrisburg, PA 17112-1208) on August 20, 2012, for their human crematory unit at the

Hoover Funeral Home and Crematory in Lower Paxton Township, **Dauphin County**. The State-only permit was renewed.

67-03041: County Line Quarry, Inc., (PO Box 99, Wrightsville, PA 17368) on August 22, 2012, for their stone crushing and batch concrete operations at their quarry in Wrightsville Borough, **York County**. The State-only permit was renewed.

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

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

08-00010: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504), issued State Only (Synthetic Minor) operating permit on August 6 2012, for their facility located in North Towanda Township, **Bradford County**. The facility produces powders, semi-finished products and components made from tungsten, molybdenum and phosphor. The facility has the potential to emit less than the major thresholds for SO_x, PM, and HAPs. The facility has the potential to emit greater than the major thresholds for CO, NO_x, VOCs, and GHG. However, the permittee has voluntarily elected to restrict the natural gas usage at the facility to reduce the CO, NO_x, VOC, and GHG emissions to below the major thresholds. The operating permit contains 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

11-00436: Penn Cambria School District (201 6th Street, Cresson, PA 16630) Synthetic Minor Operating Permit renewal for the Penn Cambria Middle School in Gallitzin Boro, **Cambria County**. The permit is for the operation of one tri-fuel boiler equipped to burn either coal or fuel oil, a fuel oil-fired boiler, a fuel oil-fired hot water heater and an emergency generator fired on fuel oil. The operating permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

43-00290: Sharon Coating, LLC (277 Sharpsville Avenue, Sharon, PA 16146), on August 21, 2012, to renew the State Only Operating Permit for their steel coil manufacturing facility in Sharon, **Mercer County**. The sources at the facility include 3 natural gas fired annealing furnaces, 2 emergency diesel generators, and a parts washer. The facility is a synthetic minor and has taken emission restrictions not to exceed 99 tons per year of NO_x emissions and not to exceed 99 tons per year of CO emissions. The potential emissions are 99 tpy NO_x, 99 tpy CO, 40 tpy PM, 33 tpy SO_x, and 5 tpy VOCs. The renewal permit contains emission restrictions, recordkeeping, reporting, 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

23-00001: Sunoco, Inc.—R and M (Delaware Avenue and Green Street, P. O. Box 426, Marcus Hook, PA 19061-0426) on August 20, 2012, in Marcus Hook Borough, **Delaware County**. This amendment addresses the following items: Creation of ERCs as follows:

NO_x—406.60 tons;
SO_x—128.78 tons;
VOC—35.19 tons;
CO—564.71 tons;
PM₁₀—346.27 tons; and
PM_{2.5}—346.27 tons.

Acknowledge the actual emission decrease of the following:

GHGs (CO₂e)—1,277,804.60 tons; and
Sulfuric Acid Mist (“SO₃”) as noted in the consent decree—56.07 tons.

Removal of the following sources as they have been permanently shut down:*

Source 040 (10-4 Feed Heater);
Source 045 (12-3 Desulphurization Heater);
Source 060 (15-1 Crude Heater);
Source 075 (17-2A H-01, H-02, H-03 Heater);
Source 078 (17-2A H-04 Heater);
Source 099 (12-3 Crude Heater H-3006);
Sources 101 and 101a (10-4 FCC Unit);
CO Boilers (COB1 and COB3);
Source 111 (Cooling towers);
Source 705 (LSG HDS Heater); and
Source 706 (LSG Stabilizer Heater).

* These permanently shut down sources cannot be restarted without first obtaining a plan approval from the Department:

Creation of a new source (number 139) for the cooling towers which will remain in operation at this site.

Removal of source group conditions pertaining to the group NO_x, SO₂, and PM emission limits for three combustion turbines (owned and operated by Next Era, formerly FPL), four (4) auxiliary boilers, FCCU catalyst regenerator (Part of Source 101), CO Boilers COB1 and COB3, and the combustion turbine, MH50 (owned and operated by Next Era, formerly FPL).

Administrative Amendment of the General Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

23-00089: FPL Energy Marcus Hook, LP (100 Green Street, Marcus Hook, PA 19061) On August 20, 2012, is a Title V facility located in the Borough of Marcus Hook, **Delaware County**. The Title V Operating Permit was

amended in accordance with the requirements of 25 Pa. Code §§ 127.447 and 127.450 to remove conditions shared with Sunoco R&M, Inc. limiting emissions to 1,767.8 tons nitrogen oxides per year, 4,692.2 tons sulfur dioxide per year, and 562.9 tons particulate matter per year for both companies combined on a 365-day rolling sum basis because the condition no longer applies. The removal of this requirement is based on the shutdown and removal of sources by Sunoco R&M, Inc. The sources at FPL Energy Marcus Hook, LP remain in operation and have applicable short term and long term limits on their combined cycle combustion turbines that are not affected by the removal of the combined limit for both facilities.

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

28-05040: Industrial Power Generating Co., LLC (2250 Dabney Road, Richmond, VA 23230-3323) on August 20, 2012, for their landfill-gas-to-energy facility associated with the Mountain View Landfill, in Peters Township, **Franklin County**. The Title V permit underwent a minor modification to raise the maximum allowable percentage of landfill gas combusted in the engines from 96% to 98% using newly developed technology, and to fully incorporate 40 CFR Part 63, Subpart ZZZZ. In addition, the engines will no longer combust mineral oil di-electric fluid (MODEF), a waste oil fuel.

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

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

56-00230: Zimmerman Center, LLC (407 Stouffer Hill Rd., Friedens, PA, 15541) located in Somerset Township, **Somerset County**. The facility's major sources of emissions include one 2.6 mmbtu/hr coal-fired boiler, a second coal-fired boiler used for backup or auxiliary heating capacity, and a small, propane fired emergency generator. The operating permit has been transferred from the former owner, the Somerset Area School District.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

05-05006: Columbia Gas Transmission, LLC (1700 MacCorkle Avenue SE, Charleston, WV 25314) Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for the following de minimis emissions increases resulting from the modification of three triethylene glycol dehydrators (Source IDs 036, 037 and 038) and the installation of a second flare to control emissions from the triethylene glycol dehydrators at the Artemas Compressor Station located in Mann Township, **Bedford County**: 1.85 TPY CO; 1.66 TPY VOC; 0.34 TPY NO_x; 0.04 TPY PM₁₀; and 0.00355 TPY SO_x. This is the second de minimis emissions increase at the facility during the term of the current operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

03871303. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Darmac No. 2 Deep Mine in Armstrong Township, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 366.6, Subsidence Control Plan Acres Proposed 366.6. The application was considered administratively complete on December 6, 2011. Application received: November 1, 2011. Permit issued: August 21, 2012.

32850701 and NPDES No. PA0213683. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES permit to relocate existing discharge points 009, 010, and 012. Receiving streams: Dixon Run and Unnamed Tributary to Dixon Run, both classified for the following use: CWF. The application was considered administratively complete on March 22, 2012. Application received: November 9, 2011. Permit issued: August 21, 2012

03091301 and NPDES No. PA0235822. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To operate the TJS No. 7 Deep Mine in Manor Township, **Armstrong County** a new underground mine and related NPDES permit. Surface Acres Proposed 24.6, Underground Acres Proposed 688.0, Subsidence Control Plan Acres Proposed 432.0. Receiving streams: Garretts Run and an Unnamed Tributary to Garretts Run, both classified for the following use: WWF. The application was considered administratively complete on June 25, 2009. Application received: February 26, 2009. August 23, 2012.

32961302 and NPDES No. PA 0214949, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Ondo Mine in Brush Valley and Center Townships, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on March 21, 2012. Application received: December 16, 2011. Permit issued: August 23, 2012

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

03060103 and NPDES Permit No. PA0250911. Bed-rock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Transfer Permit issued from Black Rock Coal Co., Inc. for continued operation and reclamation of an auger and bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: unnamed tributary "C" to Crooked Creek. Application received: February 8, 2012. Permit issued: August 24, 2012.

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

33060104. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface mine in Knox Township, **Jefferson County** affecting 38.9 acres. Receiving streams: Unnamed tributaries to Five Mile Run. This renewal is issued for reclamation only. Application received: July 5, 2012. Permit Issued: August 22, 2012.

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

54080102. Keystone Anthracite Co., Inc., (259 North 2nd Street, Girardville, PA 17935), commencement, operation and restoration of an anthracite surface mine, coal refuse reprocessing and disposal operation in West Mahanoy Township, **Schuylkill County** affecting 771.5 acres, receiving streams: Mahanoy Creek and Shenandoah Creek. Application received: March 3, 2008. Permit issued: August 21, 2012.

54080102GP104. Keystone Anthracite Co., Inc., (259 North 2nd Street, Girardville, PA 17935), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54080102 in West Mahanoy Township, **Schuylkill County**, receiving streams: Mahanoy Creek and Shenandoah Creek. Application received: May 18, 2012. Permit issued: August 21, 2012.

54-305-025GP12. Keystone Anthracite Co., Inc., (259 North 2nd Street, Girardville, PA 17935), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54080102 in West Mahanoy Township, **Schuylkill County**. Application received: May 18, 2012. Permit issued: August 21, 2012.

22851304R5. S & M Coal Company, (1744 East Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite underground mine operation in Wiconisco Township, **Dauphin County** affecting 4.98 acres, receiving stream: Wiconisco Creek. Application received: February 6, 2012. Renewal issued: August 21, 2012.

22851304GP104. S & M Coal Company, (1744 East Grand Avenue, Tower City, PA 17980), general operating permit to operate a coal preparation plant on Underground Mining Permit No. 22851304 in Wiconisco Township, **Dauphin County**. Application received: August 2, 2012. Permit issued: August 21, 2012.

Noncoal Permits Actions

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

34112801-GP104. New Enterprise Stone & Lime Company, Inc., Box 77, Church Street, New Enterprise, PA 16664. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. SNC 34112801 located in Milford Township, **Juniata County**. Receiving stream: Juniata River classified for the following uses: warm water fish-

ery. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: November 23, 2011. Coverage approved: August 20, 2012.

Permit No. 34112801. New Enterprise Stone & Lime Company, Inc., Box 77, Church Street, New Enterprise, PA 16664, commencement, operation and restoration of a small noncoal operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): Juniata River; UT to Susquehanna River. Permit received: November 23, 2011. Permit issued: August 20, 2012.

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

25122802. Hull Excavating, Inc. (12135 Ashton Road, Wattsburg, PA 16442) Commencement, operation and restoration of a small industrial minerals mine in Greenfield Township, **Erie County** affecting 5.0 acres. Receiving streams: West Branch French Creek. Application received: May 21, 2012. Permit Issued: August 22, 2012.

25122803. Hull Excavating, Inc. (12135 Ashton Road, Wattsburg, PA 16442) Commencement, operation and restoration of a small industrial minerals mine in Greenfield Township, **Erie County** affecting 5.0 acres. Receiving streams: Unnamed tributary to West Branch French Creek. Application received: May 21, 2012. Permit Issued: August 22, 2012.

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

6475SM10C2 and NPDES Permit No. PA0224391. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to update the permitted acres in Jenkins Township, **Luzerne County** affecting 129.89 acres, receiving stream: Lampblack Creek. Application received: August 18, 2011. Correction issued: August 23, 2012.

40970301C. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), correction to an existing quarry operation to update the permitted acres in Jenkins Township, **Luzerne County** affecting 51.85 acres, receiving stream: Lampblack Creek. Application received: August 18, 2011. Correction issued: August 23, 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

07124001. Wampum Hardware Company, 636 Paden Road, New Galilee, PA 16141, blasting activity permit issued for dam maintenance project in Juniata Township, **Blair County**. Blasting activity permit end date is December 31, 2013. Permit issued: August 20, 2012.

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

36124144. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Mill

Creek Development in West Lampeter Township, **Lancaster County** with an expiration date of September 23, 2013. Permit issued: August 21, 2012.

36124146. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for a single dwelling in West Earl Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: August 21, 2012.

48124102. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for a borrow pit in Upper Mt. Bethel Township, **Northampton County** with an expiration date of September 1, 2013. Permit issued: August 21, 2012.

22124105. Senex Explosives, Inc., (710 Millers Run Road, Cuddy, PA 15031), construction blasting for Norfolk Southern Tripple Crown Service Access Road in Swatara Township, **Dauphin County** with an expiration date of June 1, 2013. Permit issued: August 22, 2012.

40124116. Maine Drilling & Blasting, (PO Box 1140, Gardiner, ME 04345), construction blasting for Grimes Industrial Park in Pittston Township, **Luzerne County** with an expiration date of August 31, 2013. Permit issued: August 22, 2012.

66124113. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for P & G Annie Pipeline in Lemon & Springville Townships, **Wyoming** and **Susquehanna Counties** with an expiration date of August 18, 2013. Permit issued: August 22, 2012.

66124114. Meshoppen Blasting, Inc., (PO Box 127, Meshoppen, PA 18630), construction blasting for P & G 5 Pad in Washington Township, **Wyoming County** with an expiration date of December 1, 2012. Permit issued: August 22, 2012.

06124111. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Dollar General in Bethel Township, **Berks County** with an expiration date of August 17, 2013. Permit issued: August 23, 2012.

36124147. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for South Manheim Donegal 69KV Rebuild in Penn, East Donegal and Rapho Townships, **Lancaster County** with an expiration date of September 30, 2013. Permit issued: August 23, 2012.

58124176. Maine Drilling & Blasting, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Daily Pipeline in Jessup Township, **Susquehanna County** with an expiration date of August 17, 2013. Permit issued: August 23, 2012.

58124177. Maine Drilling & Blasting, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Lindaville Pipeline Project in Brooklyn Township, **Susquehanna County** with an expiration date of August 13, 2013. Permit issued: August 23, 2012.

58124178. Maine Drilling & Blasting, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Wells Pipeline in Bridgewater Township, **Susquehanna County** with an expiration date of August 13, 2013. Permit issued: August 23, 2012.

58124180. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for E Wood Pad in Dimock Township, **Susquehanna County** with an expiration date of August 20, 2013. Permit issued: August 23, 2012.

58124175. Maine Drilling & Blasting, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Suber Strohl Gathering Line in Rush Township, **Susquehanna County** with an expiration date of August 16, 2013. Permit issued: August 24, 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

E51-255. Philadelphia Water Department, ARAMARK Tower, 2nd Floor, 1101 Market Street, Philadelphia, PA 19107, ACOE Philadelphia District.

To construct and maintain an 84-inch diameter outfall structure in and along the 100-year floodplain of the Delaware River (WWF, MF) associated with improvements to the Moore Street Flood Relief Project. The site is located at 1751 South Columbus Boulevard (Philadelphia, PA-NJ, USGS Quadrangle N: 8.0 inches; W: 2.0 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.

E01-303: Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, Pennsylvania 17103, in Cumberland and Freedom Townships, **Adams County**, ACOE Baltimore District

To: 1) remove the existing bridge and construct and maintain a two span bridge having a clear span of 257.00 feet, a width of 29.00 feet, and a minimum underclearance of 4.77 feet across Marsh Creek (CWF, MF) approximately 50.0 feet downstream of the existing alignment, 2) realign approximately 735.0 linear feet of an unnamed tributary to Marsh Creek (CWF, MF) cumulatively impacting approximately 3,517.0 square feet of stream channel, and 3) place and maintain approximately 217,000.0 cubic feet of fill in the right floodplain and 33,000.0 cubic feet of fill in the left floodplain of Marsh Creek, all for the purpose of improving transportation safety and roadway standards. The project will involve the use of temporary causeways, cofferdams, and shoring within the Marsh Creek, all of which will be removed upon project completion. The project is located along SR 3008 (Cunningham Road) (Fairfield, PA Quadrangle; N: 2.75 inches, W: 4.75 inches; Latitude: 39°45'56"N, Longitude: -77°17'04"W) in Cumberland and Freedom Townships, Adams County.

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

E26-360. Pennsylvania Department of Transportation—District 12-0, PO Box 459, 825 North Gallatin Avenue, Uniontown, PA 15401, Springfield Township, **Fayette County**; ACOE Pittsburgh District.

Has been given consent to remove the existing SR 381, two lane, approximately 25 ft wide, single span, steel truss bridge having a total length of approximately 154.5 ft., and having minimum normal pool underclearance of 15.14 ft.; and to construct and maintain adjacent and upstream a 33.4 ft total width, two lane, single span, replacement bridge having a total length of approximately 167 ft. and having minimum normal pool underclearance of 17.5 ft over the Indian Creek (HQ-CWF) and Mill Run Dam Lake; and fill and maintain 0.32 acre of permanent PEM/PSS exceptional value wetland. In addition, construct and maintain associated replacement stormwater outfalls and construct and maintain utility line relocations. To compensate for wetland impacts, 0.64 acre of PEM/PSS wetland mitigation will be constructed onsite. The bridge and road improvement project is located within Springfield Township, Fayette County (Mill Run Quadrangle: N: 16.8"; W: 11.0"; Latitude 39° 58' 20" and Longitude -79° 27' 9.7").

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E25-742, Pastore Brothers, 2315 West Grandview Blvd., Erie, PA 16506 in Millcreek Township, **Erie County**, ACOE Pittsburgh District

to permanently fill 0.09 acre of wetlands within the Walnut Creek (WWF, MF) watershed for the construction of a new multi-family housing unit as part of the Laurel Springs Phase 3 development project. Project includes construction of 0.2 acre of replacement wetlands on site to mitigate for the wetland impacts. (Erie South, PA Quadrangle N: 42°, 4', 43"; W: 80°, 6', 11")

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

E5929-025: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston and Middlebury Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 88 linear feet of an unnamed tributary to Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41°50'49"N 77°17'05"W);

2) a temporary road crossing using 20 foot long, 30 inch diameter corrugated metal pipe, impacting 36 linear feet of an unnamed tributary to Crooked Creek (WWF) (Keeneyville, PA Quadrangle 41°50'49"N 77°17'03"W);

3) a temporary road crossing using 20 foot long, 5 foot diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 62 linear feet of a Norris Brook (WWF) (Keeneyville, PA Quadrangle 41°50'11"N 77°16'50"W);

4) a temporary road crossing using 20 foot long, 3 foot diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 79 linear feet of an unnamed tributary to Norris Brook (WWF) (Keeneyville, PA Quadrangle 41°50'02"N 77°16'42"W);

5) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 124 linear feet of an unnamed tributary to Norris Brook (WWF) (Keeneyville, PA Quadrangle 41°49'51"N 77°16'13"W);

6) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipe, impacting 36 linear feet of Sweet Hollow (WWF) (Crooked Creek, PA Quadrangle 41°49'37"N 77°15'06"W);

7) two temporary road crossings using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 2,909 square feet of a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland (Keeneyville, PA Quadrangle 41°51'00"N 77°17'19"W);

8) a temporary road crossing using a wood mat bridge impacting 69 square feet of a palustrine emergent/

palustrine scrub-shrub (PEM/PSS) wetland (Keeneyville, PA Quadrangle 41°50'54"N 77°17'15"W);

9) a temporary road crossing using a wood mat bridge impacting 82 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41°50'46"N 77°17'02"W);

10) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 447 square feet of a palustrine forested (PFO) wetland (Keeneyville PA Quadrangle 41°50'45"N 77°16'58"W);

11) a temporary road crossing using a wood mat bridge impacting 10 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41°50'43"N 77°16'57"W);

12) three temporary road crossings using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 27,485 square feet of a palustrine scrub-shrub (PSS) wetland (Keeneyville, PA Quadrangle 41°50'30"N 77°16'53"W);

13) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 103 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41°50'31"N 77°16'52"W);

14) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 429 square feet of a palustrine emergent (PEM) wetland (Keeneyville, PA Quadrangle 41°50'16"N 77°16'51"W);

15) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 373 square feet of a palustrine scrub-shrub (PSS) wetland (Keeneyville, PA Quadrangle 41°50'11"N 77°16'46"W);

16) a temporary road crossing using a wood mat bridge impacting 129 square feet of a palustrine scrub-shrub (PSS) wetland (Keeneyville, PA Quadrangle 41°49'58"N 77°16'37"W);

17) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 816 square feet of a palustrine scrub-shrub (PSS) wetland (Keeneyville, PA Quadrangle 41°49'51"N 77°16'18"W);

18) three temporary road crossings using wood mat bridges, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 2,078 square feet of a palustrine forested/palustrine scrub-shrub (PFO/PSS) wetland (Keeneyville, PA Quadrangle 41°49'49"N 77°16'12"W);

19) a temporary road crossing using a wood mat bridge impacting 506 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°47'54"N 77°14'36"W);

20) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter

natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 128 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°49'15"N 77°15'05"W).

The project will result in 425 linear feet of temporary stream impacts, and 35,564 square feet (0.816 acre) of temporary wetland impacts all for the purpose of installing natural gas gathering lines, fresh water lines, a fiber optic cable, and associated access roadways in Charleston and Middlebury Townships, Tioga County. The permittee will provide 0.12 acre of compensatory mitigation for impacts throughout the project at Wetland 6 (Impact 12) (Keeneyville, PA Quadrangle 41°50'30"N 77°16'53"W) in Middlebury Township, Tioga County.

E4129-011: Anadarko Marcellus Midstream, LLC, PO Box 1330, Houston, TX 77251, Loyalsock, Eldred, Gamble, & Cascade Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 33550 square feet of palustrine emergent (PEM) wetland (Montoursville North Quadrangle 41°17'08"N 76°58'13"W);

(2) two 6 inch and one 24 inch gas pipelines, electrical line and equipment matting impacting 66 linear feet of an unnamed tributary to Millers Run (WWF, MF) (Montoursville North Quadrangle 41°17'47"N 76°58'11"W);

(3) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 56 linear feet of an unnamed tributary to Mill Creek (TSF, MF) and 1794 square feet of adjacent palustrine emergent (PEM) wetland (Montoursville North Quadrangle 41°17'59"N 76°57'43"W);

(4) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 103 linear feet of an unnamed tributary to Lick Creek (TSF-MF) and 4114 square feet of adjacent palustrine emergent (PEM) wetland (Montoursville North Quadrangle 41°18'49"N 76°58'17"W);

(5) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 51 linear feet of an unnamed tributary to Lick Run (TSF-MF) and 3903 square feet of adjacent palustrine emergent (PEM) wetland (Montoursville North Quadrangle 41°18'55"N 76°58'19"W);

(6) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 10231 square feet of palustrine forested (PFO) wetland (Montoursville North Quadrangle 41°19'05"N 76°58'21"W);

(7) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 52 linear feet of Lick Run (TSF-MF) and 36 square feet of adjacent palustrine emergent (PEM) wetland (Montoursville North Quadrangle 41°19'07"N 76°58'21"W);

(8) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 55 linear feet of an unnamed tributary to Mill Creek (TSF-MF) (Montoursville North Quadrangle 41°19'43"N 76°58'12"W);

(9) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 51 linear feet of

Mill Creek (TSF-MF) adjacent to Pleasant Valley Road (Montoursville North Quadrangle 41°20'15"N 76°57'55"W);

(10) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 50 linear feet of Calebs Run (EV, MF) (Montoursville North Quadrangle 41°22'14"N 76°57'16"W);

(11) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 318 linear feet of an unnamed tributary to Murray Run (EV, MF) (Bodines Quadrangle 41°23'13"N 76°56'20"W);

(12) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 293 linear feet of unnamed tributaries to Murray Run (EV, MF) (Bodines Quadrangle 41°23'19"N 76°56'21"W);

(13) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 53 linear feet of Murray Run (EV, MF) (Bodines Quadrangle 41°23'29"N 76°56'13"W);

(14) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 96 linear feet of an unnamed tributary to Wallis Run (EV, MF) adjacent to Wallis Run Road (Bodines Quadrangle 41°23'40"N 76°55'49"W);

(15) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 94 linear feet of an unnamed tributary to Wallis Run (EV, MF) adjacent to Wallis Run Road (Bodines Quadrangle 41°24'13"N 76°55'36"W);

(16) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 112 linear feet of an unnamed tributary to Wallis Run (EV, MF) and 5453 square feet of adjacent palustrine forested (PFO) wetland adjacent to Wallis Run Road (Bodines Quadrangle 41°24'13"N 76°55'36"W);

(17) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 137 linear feet of Roaring Run (EV, MF) (Bodines Quadrangle 41°24'17"N 76°55'23"W);

(18) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 14414 square feet of a palustrine emergent (PEM) wetland (Bodines Quadrangle 41°24'49"N 76°55'14"W);

(19) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 52 linear feet of an unnamed tributary to Roaring Run (EV, MF) (Bodines Quadrangle 41°24'54"N 76°55'33"W);

(20) two 6 inch and one 24 inch gas pipelines, electrical line, and equipment matting impacting 68 linear feet of an unnamed tributary to Roaring Run (EV, MF) and 2435 square feet of adjacent palustrine forested (PFO) wetland (Bodines Quadrangle 41°24'58"N 76°55'34"W).

The project will result in 1707 linear feet of temporary stream impacts and 1.74 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E1729-005: EOG Resources, Inc., 2039 South Sixth Street, Indiana, PA 15701, Lawrence Township, Clearfield County, ACOE Baltimore District.

To construct, operate, and maintain a 20-inch steel natural gas pipeline, with impacts as follows:

1) a permanent utility line installation via open cut trenching with impacts to 3.0 linear feet and a temporary

access road culvert crossing with impacts to 85.0 linear feet of a UNT to Little Laurel Run (HQ-CWF) (Huntley, PA Quadrangle, N41°11'18.45", W78°28'38.51");

2) a permanent utility line installation via open cut trenching with impacts to 525.0 square feet and a temporary access road crossing using timber matting with impacts to 16,391.0 square feet of a palustrine scrub shrub/palustrine emergent (PSS/PEM) wetland (Huntley, PA Quadrangle, N41°11'18.45", W78°28'38.51");

3) a permanent utility line installation via open cut trenching with impacts to 75.0 square feet and a temporary access road crossing using timber matting with impacts to 1,984.0 square feet of a palustrine emergent (PEM) wetland (Huntley, PA Quadrangle, N41°10'56.62", W78°28'28.50");

4) a temporary access road crossing using timber matting with impacts to 479.0 square feet of a palustrine scrub shrub/palustrine emergent (PSS/PEM) wetland (Huntley, PA Quadrangle, N41°10'51.18", W78°28'26.08");

5) a permanent utility line installation via open cut trenching with impacts to 12.0 linear feet and a temporary access road culvert crossing with impacts to 81.0 linear feet of Little Laurel Run (HQ-CWF) (Huntley, PA Quadrangle, N41°10'50.40", W78°28'25.65");

6) a permanent utility line installation via open cut trenching with impacts to 562.0 square feet and a temporary access road crossing using timber matting with impacts to 12,785.0 square feet of a palustrine emergent (PEM) wetland (Huntley, PA Quadrangle, N41°10'47.27", W78°28'24.21");

7) a permanent utility line installation via boring with impacts to 880.0 square feet of a palustrine forested/palustrine scrub shrub/palustrine emergent (PFO/PSS/PEM) wetland and 5.0 linear feet of a UNT to Little Laurel Run (HQ-CWF) (Huntley, PA Quadrangle, N41°10'31.74", W78°28'12.13");

8) a permanent utility line installation via open cut trenching with impacts to 495.0 square feet and a temporary access road crossing using timber matting with impacts to 5,591.0 square feet of a palustrine forested/palustrine scrub shrub/palustrine emergent (PFO/PSS/PEM) wetland (Huntley, PA Quadrangle, N41°10'27.23", W78°28'04.58");

9) a temporary access road crossing using timber matting with impacts to 1,852.0 square feet of an exceptional value (EV) palustrine forested/palustrine scrub shrub (PFO/PSS) wetland (Huntley, PA Quadrangle, N41°10'15.23", W78°27'29.13");

10) a temporary access road crossing using timber matting with impacts to 1,444.0 square feet of a palustrine scrub shrub/palustrine emergent (PSS/PEM) wetland (Huntley, PA Quadrangle, N41°10'10.12", W78°27'26.12");

The project will result in the following: 15.0 linear feet of permanent stream impacts via open cut trenching; 5.0 linear feet of permanent stream impacts via boring; 166.0 linear feet of temporary stream impacts for access roads; 880.0 square feet (0.02 acre) of impact to palustrine forested/palustrine scrub shrub/palustrine emergent (PFO/PSS/PEM) wetlands via boring; 495.0 square feet (0.01 acre) of permanent impacts to palustrine forested/palustrine scrub shrub/palustrine emergent (PFO/PSS/PEM) wetlands via open cut trenching; 5591.0 square feet (0.13 acre) of temporary impacts to palustrine forested/palustrine scrub shrub/palustrine emergent (PFO/PSS/PEM) wetlands for access roads; 1,852.0 square feet (0.04

acre) of temporary impacts to palustrine forested/palustrine scrub shrub (PFO/PSS) wetlands for access roads; 525.0 square feet (0.01 acre) of permanent impacts to palustrine scrub shrub/palustrine emergent (PSS/PEM) wetlands via open cut trenching; 18,314.0 square feet (0.42 acre) of temporary impacts to palustrine scrub shrub/palustrine emergent (PSS/PEM) wetlands for access roads; and 15,406.0 square feet (0.35 acre) of temporary impacts to palustrine emergent (PEM) wetlands via open cut trenching and access roads all for the purpose of installing a 20-inch natural gas line and associated access roadways for the development of Marcellus Shale natural gas.

E4129-009: Anadarko Marcellus Midstream, LLC, PO Box 1330, Houston, TX 77251, Mifflin, Cogan House, and Lewis Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

- (1) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 2441 square feet of a palustrine emergent (PEM) wetland adjacent to an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'01"N 77°12'41"W);
- (2) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 119 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'02"N 77°12'43"W);
- (3) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 7671 square feet of a palustrine forested (PFO) wetland adjacent to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'08"N 77°12'41"W);
- (4) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 45 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'07"N 77°12'44"W);
- (5) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 57 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'07"N 77°12'45"W);
- (6) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 55 linear feet of Larrys Creek (EV) (Salladasburg Quadrangle 41°17'08"N 77°12'45"W);
- (7) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 10550 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'14"N 77°12'45"W);
- (8) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 104 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'47"N 77°13'00"W);
- (9) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 102 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°18'24"N 77°12'49"W);
- (10) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 103 linear feet of an unnamed tributary to Mash Run (EV) (Salladasburg Quadrangle 41°19'04"N 77°12'51"W);
- (11) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 227 square feet of a palustrine emergent (PEM) wetland (Salladasburg Quadrangle 41°20'08"N 77°12'53"W);
- (12) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 525 square feet of a water body (POW) (Salladasburg Quadrangle 41°22'29"N 77°13'57"W);
- (13) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 856 square feet of a palustrine emergent (PEM) wetland (White Pine Quadrangle 41°22'40"N 77°14'05"W);
- (14) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 542 square feet of a palustrine forested (PFO) wetland (White Pine Quadrangle 41°23'09"N 77°14'10"W);
- (15) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 9806 square feet of a palustrine scrub-shrub (PSS) wetland adjacent to Second Fork Larrys Creek (EV) (White Pine Quadrangle 41°23'54"N 77°14'07"W);
- (16) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 62 linear feet of Second Fork Larrys Creek (EV) adjacent to state route 184 (White Pine Quadrangle 41°23'53"N 77°14'08"W);
- (17) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 101 linear feet of an unnamed tributary to Lick Run (EV) (White Pine Quadrangle 41°25'04"N 77°13'04"W);
- (18) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 38 linear feet of Wendell Run (EV) adjacent to state route 184 (White Pine Quadrangle 41°24'49"N 77°11'48"W);
- (19) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 1681 square feet of a palustrine forested (PFO) wetland adjacent to Wendell Run (EV) (White Pine Quadrangle 41°24'49"N 77°11'47"W);
- (20) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 46 linear feet of an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'06"N 77°10'54"W);
- (21) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 50 linear feet of Wolf Run (EV) (White Pine Quadrangle 41°25'22"N 77°10'22"W);
- (22) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 5844 square feet of a palustrine forested (PFO) wetland adjacent to Wolf Run (EV) (White Pine Quadrangle 41°25'23"N 77°10'22"W);
- (23) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 123 linear feet of an unnamed tributary to Wolf Run (EV) (White Pine Quadrangle 41°25'29"N 77°10'11"W);
- (24) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 7256 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Wolf Run (EV) (White Pine Quadrangle 41°25'28"N 77°10'11"W);
- (25) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 506 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'32"N 77°09'25"W);
- (26) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 334 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'30"N 77°09'24"W);
- (27) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 88 linear feet of an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'31"N 77°09'24"W);

(28) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 4393 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV) (White Pine Quadrangle 41°25'23"N 77°09'05"W);

(29) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 51 linear feet of Larrys Creek (EV) adjacent to state route 184 (White Pine Quadrangle 41°25'24"N 77°09'04"W);

(30) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 9380 square feet of a palustrine forested (PFO) wetland (White Pine Quadrangle 41°24'53"N 77°07'32"W);

(31) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 119 linear feet of Wolf Run (HQ-CWF) (Trout Run Quadrangle 41°25'10"N 77°06'39"W).

The project will result in 1263 linear feet of stream impacts and 1.42 acres of wetland impacts from utility line crossings all for the purpose of installing a natural gas gathering line and waterline with associated access roadways for Marcellus well development.

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 # ESX12-115-0125

(Published in Vol. 42, No. 32, August 11, 2012 with incorrect permit number of ESX12-225-0125)

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) Oakland Township

Receiving Stream(s) and Classification(s) Lewis Creek (CWF), Deacon Brook (CWF)

ESCGP-1 # ESX12-115-0147

Applicant Name WPX Energy Appalachia, 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) UNT 31806 to Choconut Creek/Choconut Creek Watershed, UNT 31809 to Choconut Creek/Choconut Creek and Watershed;

Secondary: Choconut Creek

ESCGP-1 # ESX11-081-0082 (01)

Applicant Name EXCO Resources (PA), LLC
Contact Person Brian Rushe
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township

Receiving Stream(s) and Classification(s) Sugar Run, UNT to Sugar Run

ESCGP-1 # ESX12-115-0136

Applicant Name WPX Energy Appalachia, LLC
Contact Person David Freudenrich
Address 6000 Town Center Blvd., Suite 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Franklin Township

Receiving Stream(s) and Classification(s) UNT to Snake Creek/Snake Creek Watershed (CWF/MF);

Secondary: Susquehanna River

ESCGP-1 # ESX12-117-0071

Applicant Name PVR Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts
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 (HQ)

ESCGP-1 # ESX12-117-0050

Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Rutland Township

Receiving Stream(s) and Classification(s) Mill Creek (TSF/MF)

ESCGP-1 # ESX11-117-0086 (01)

Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Richmond Township

Receiving Stream(s) and Classification(s) UNT's to North Elk Run and North Elk Run (All CWF/MF)

ESCGP-1 # ESG12-115-0098

Applicant Name Bluestone Pipeline Company of Pennsylvania, LLC
Contact Person Bruce Nieman
Address 1708 WCB, 2000 Second Avenue
City, State, Zip Detroit, MI 48226

County Susquehanna County
Township(s) New Milford, Harford and Lenox Townships
Receiving Stream(s) and Classification(s) Wellman's
Creek and Meylert Creek in Salt Lick Creek Water-
shed, East Branch Martins Creek, Martin's Creek,
Millard Creek in Tunkhannock Creek Watershed (HQ/
Other)

ESCGP-1 # ESG12-131-0012
Applicant Name Chief Gathering, LLC
Contact Person Nick Bryan
Address 999 N. Loyalsook Avenue, Suite G
City, State, Zip Montoursville, PA 17754
County Wyoming County
Township(s) Lemon and Nicholson Townships
Receiving Stream(s) and Classification(s) UNT to Field
Brook, UNT to Tunkhannock Creek, UNT to Monroe
Creek, Monroe Creek, UNT to Oxbow Creek, Oxbow
Creek (All CWF/MF)

ESCGP-1 # ESX12-081-0111
Applicant Name PVR Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts
Address 100 Penn Tower, Suite 201-202, 25 West Third
Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) First Fork Lar-
ry's Creek Watershed and Jacobs Hollow Watershed,
Trib 21045 to First Fork Larry's Creek (EV/MF), Trib
21061 to Left Fork Funston Run (EV/MF), First Fork
Larry's Creek (EV/MF), Dog Run (EV/MF), Jacobs
Hollow (EV/MF)

ESCGP-1 # ESX12-081-0108
Applicant Name PVR Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts
Address 100 Penn Tower, Suite 201-202, 25 West Third
Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Cogan House Township
Receiving Stream(s) and Classification(s) Hoagland Run
(HQ)

ESCGP-1 # ESX12-115-0051 (01)
Applicant Name Williams Field Services Company, LLC
Contact Person Kristy Flavin
Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108
County Susquehanna County
Township(s) Harford Township
Receiving Stream(s) and Classification(s) Butler Creek,
trib. To Butler Creek/Upper Susquehanna-Tunkhannock
Watershed (CWF)

ESCGP-1 # ESX12-115-0133
Applicant Name Williams Field Services Company, LLC
Contact Person Tom Page
Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108
County Susquehanna County
Township(s) Lathrop Township
Receiving Stream(s) and Classification(s) East Branch
Field Brook, Field Brook, UNT to Field Brook (All
CWF/MF)

ESCGP-1 # ESX12-131-0018
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 Wyoming County
Township(s) Nicholson Boro., Nicholson and Lenox Town-
ships
Receiving Stream(s) and Classification(s) Horton Creek,
Martin Creek, UNT to Tunkhannock Creek, Willow
Brook, and UNTs to Utley Brook (All CWF/MF)

ESCGP-1 # ESX12-115-0121
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) Butler Creek,
Little Butler Creek, Salt Lick Creek (All HQ, CWF/MF)

ESCGP-1 # ESX12-117-0031 (01)
Applicant Name PVR Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts
Address 100 Penn Tower, Suite 201-202, 25 West Third
Street
City, State, Zip Williamsport, PA 17701
County Bradford, Lycoming and Tioga Counties
Township(s) Jackson, Canton, Union and Liberty Town-
ships
Receiving Stream(s) and Classification(s) UNT Roaring
Branch, Roaring Branch, Little Elk Run, UNT Brion
Creek, Brion Creek, UNT Salt Spring Run, Salt Spring
Run, French Lick Run, UNT French Lick Run, West
Mill Creek, Mill Creek, Sugar Works Run, UNT Lycom-
ing Creek, Towanda Creek (HQ, EV-Other);
Secondary: Beech Flats Creek, Lycoming Creek

ESCGP-1 # ESX12-115-0139
Applicant Name Southwestern Energy Production Com-
pany
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County
Township(s) New Milford Township
Receiving Stream(s) and Classification(s) Beaver Creek
(HQ-CWF), UNT to Martins Creek (CWF);
Secondary: Salt Lick Creek (HQ-CWF)/Martin's Creek
(CWF)

ESCGP-1 # ESX12-081-0024 (01)
Applicant Name PVR Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts
Address 100 Penn Tower, Suite 201-202, 25 West Third
Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Piatt, Watson and Mifflin Townships
Receiving Stream(s) and Classification(s) Tombs Run,
Canoe Run (Both HQ-CWF/EV), Stewards Run (WWF)

ESCGP-1 # ESX11-115-0149 (01)
Applicant Name Williams Field Services Company, LLC
Contact Person Kristy Flavin
Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108
County Susquehanna County
Township(s) Forest Lake Township
Receiving Stream(s) and Classification(s) UNTs to Middle
Branch—Wyalusing Creek and Forest Lake Creek/
Upper Susquehanna-Tunkhannock Watershed (other)

ESCGP-1 # ESX11-081-0020 (05)
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Nathan S. Bennett
 Address 33 W. Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Loyalsock, Eldred, Gamble and Cascade Townships
 Receiving Stream(s) and Classification(s) Miller Run (WWF, MF), Lick Run (TSF, MF), Miller Creek (TSF/MF), Roaring Run (EV/MF) Wallis Run (EV/MF), Murray Run (EV, MF), and Caleb's Run (EV/MF)

ESCGP-1 # ESX12-115-0135
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person John Smelko
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Dimock Township
 Receiving Stream(s) and Classification(s) UNTs to Burdick Creek and Stevens Creek (CWF/MF)

ESCGP-1 # ESX12-015-0115
 Applicant Name Southwestern Energy Production Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Bradford County
 Township(s) Stevens Township
 Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek (WWF);
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-081-0165 (01)
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Scott Sweder
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming County
 Township(s) Penn Township
 Receiving Stream(s) and Classification(s) Beaver Run (CWF);
 Secondary: West Branch Susquehanna River (WWF/MF)

ESCGP-1 # ESX12-115-0132
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Susquehanna County
 Township(s) Rush Township
 Receiving Stream(s) and Classification(s) UNT to Beaver's Meadows Creek (CWF);
 Secondary: Tuscarora Creek (CWF)

ESCGP-1 # ESX12-115-0137
 Applicant Name Williams Field Services Company, LLC
 Contact Person Tom Page
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108
 County Susquehanna County
 Township(s) Lathrop Township
 Receiving Stream(s) and Classification(s) East Branch Field Brook (CWF/MF), Trib 28919 to East Branch Field to Brook (CWF/MF), Trib 28926 To Horton Creek (CWF/MF), Trib 28927 to Horton Creek (CWF/MF)

ESCGP-1 # ESX12-015-0167
 Applicant Name EOG Resources, Inc.
 Contact Person Jon Jorgenson
 Address 2039 South Sixth Street
 City, State, Zip Indiana, PA 15701
 County Bradford County
 Township(s) Springfield Township
 Receiving Stream(s) and Classification(s) Mill and Bentley Creek Watersheds;
 Secondary: UT Bentley Creek and Mill Creek

ESCGP-1 # ESG11-015-0054 (01)
 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 Bradford County
 Township(s) Granville, Franklin, and West Burlington Townships
 Receiving Stream(s) and Classification(s) North branch Towanda Creek, and UNT to North Branch Towanda Creek (Both CWF/MF)

ESCGP-1 # ESX12-115-0126
 Applicant Name Southwestern Energy Production Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) New Milford Township
 Receiving Stream(s) and Classification(s) UNT to Butler Creek (CWF/MF)

ESCGP-1 # ESX12-115-0150
 Applicant Name Cabot Oil & Gas Corporation
 Contact Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Lenox Township
 Receiving Stream(s) and Classification(s) Millard Creek, Utley Brook (Both CWF)

ESCGP-1 # ESG12-015-0104 (01)
 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 Bradford County
 Township(s) Burlington, Franklin and Leroy Townships
 Receiving Stream(s) and Classification(s) UNT to Towanda Creek (CWF/MF), Towanda Creek (TSF/MF), North Branch Towanda Creek (CWF/MF), UNT to Preacher Brook (CWF/MF), Preacher Brook (CWF/MF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX12-019-0153-Reed 3356
 Applicant Swepi LP
 Contact James Sewell
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Slippery Rock(s)
 Receiving Stream(s) and Classification(s) UNT to Wolf Creek, CWF

ESCGP-1 #ESX12-121-0016 - SCC 1 H Pad (Glista Pad 1)
 Applicant Halcon Operating Co., Inc.
 Contact Gary Schottle
 Address 1000 Louisiana Street

City Houston State TX Zip Code 77002
 County Venango Township(s) Sandycreek(s)
 Receiving Stream(s) and Classification(s) Sandy Creek /
 Haggerty Hollow—Ohio River Basin in PA

ESCGP-1 #ESX12-019-0156—Heasley Well Pad
 Applicant XTO Energy
 Contact Melissa Breitenbach
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Summit(s)
 Receiving Stream(s) and Classification(s) (2) UNTs to
 Coal Run

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

4/19/12
 ESCGP-1 No.: ESX12-129-0010
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person MR DANIEL BITZ
 Address: 280 INDIAN SPRINGS ROAD SUITE 333
 City: INDIANA State: PA Zip Code: 15701
 County: WESTMORELAND Township: WASHINGTON
 AND BELL
 Receiving Stream (s) And Classifications: BEAVER RUN
 (TSF) AND ASSOCIATED TRIBUTARIES IN
 KISKIMINETAS RIVER WATERSHED (WWF). SEE
 ESS PLAN FOR COMPLETE LIST OF TRIBUTARIES

3/22/12
 ESCGP-1 No.: ESX12-125-0037
 Applicant Name: RANGE RESOURCES APPALACHIA
 LLC
 Contact Person: MR GLENN D TRUZZI
 Address: 3000 TOWN CENTER BOULEVARD
 City: CANONSBURG State: PA Zip Code: 15317
 County: WASHINGTON Township(s): AMWELL
 Receiving Stream(s) and Classifications: UNTs TO
 LITTLE TENMILE CREEK/TENMILE CREEK WA-
 TERSHED; OTHER

7/23/12
 ESCGP-1 No.: ESX11-129-0044 MAJOR REVISION
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person: MR DANIEL BITZ
 Address: 280 INDIAN SPRINGS ROAD SUITE 333
 City: INDIANA State: PA Zip Code: 15701
 County: WESTMORELAND Township(s): WASHINGTON
 AND BELL
 Receiving Stream(s) and Classifications: TRIBUTARIES
 OF BEAVER RUN (HQ-CWF); BEAVER RUN (TSF)
 AND ASSOCIATED TRIBUTARIES IN KISKIMIN-
 ETAS RIVER WATERSHED (WWF). SEE ESS PLAN
 FOR COMPLET LIST OF TRIBUTARIES; HQ

7/5/12
 ESCGP-1 No.: ESX11-059-0051 MAJOR REVISION
 Applicant Name: CHESAPEAKE APPALACHIA LLC
 Contact Person: MR ERIC W HASKINS
 Address: 101 NORTH MAIN STREET
 City: ATHENS State: PA Zip Code: 18810
 County: GREENE Township(s): ALEPPO
 Receiving Stream(s) and Classifications: (2) UNTs TO
 CHAMBERS RUN & (3) UNTs TO HARTS RUN;
 OTHER

6/21/12
 ESCGP-1 No.: ESX11-059-0044 MAJOR REVISION
 Applicant Name: APPALACHIA MIDSTREAM SERVICES
 LLC
 Contact Person: MR ERIC N STEWART

Address: 179 CHESAPEAKE DRIVE
 City: JANE LEW State: WV Zip Code: 26378
 COUNTY GREENE Township(s): ALEPPO
 Receiving Stream(s) and Classifications: UNT TO
 MUDLICK FORK—TSF; OTHER

7/11/12
 ESCGP-1 No.: ESX12-005-0014
 Applicant Name: EQT PRODUCTION COMPANY
 Contact Person: MR TODD KLANER
 Address: 455 RACETRACK ROAD SUITE 101
 City: WASHINGTON State: PA Zip Code: 15301
 County: ARMSTRONG Township(s): BURRELL AND KIT-
 TANNING
 Receiving Stream(s) and Classifications: UNT TO
 CROOKED CREEK (WWF); OTHER

6/25/12
 ESCGP-1 No.: ESX12-059-0032
 Applicant Name: EQT GATHERING LLC
 Contact Person: MS HANNA MCCOY
 Address: 625 LIBERTY AVENUE SUITE 1700
 City: PITTSBURGH State: PA Zip Code 15222
 County: GREENE Township(s): CENTER
 Receiving Stream(s) and Classifications: UNT TO
 BROWNS CREEK; LIGHTNER RUN; TENMILE
 CREEK WATERSHED; HQ; OTHER

5/1/12
 ESCGP-1 No.: ESX11-007-0001 MAJOR REVISION
 Applicant Name: CHESAPEAKE APPALACHIA LLC
 Contact Person: MR ERIC HASKINS
 Address: 101 NORTH MAIN STREET
 City: ATHENS State: PA Zip Code: 18810
 County: BEAVER Township(s): SOUTH BEAVER /
 CHIPPEWA
 Receiving Stream(s) and Classifications: NORTH
 BRANCH BRADY RUN (TSF)/BRADY RUN; OTHER

6/8/12
 ESCGP-1 No.: ESX12-129-0018
 Applicant Name: CHEVRON APPALACHIA LLC
 Contact Person: MR ALEX GENOVESE
 Address: 800 MOUNTAIN VIEW DRIVE
 City: SMITHFIELD State: PA Zip Code: 15478
 County: WESTMORELAND Township(s): HEMPFIELD
 Receiving Stream(s) and Classifications: UNT TO
 CRABTREE CREEK (WWF)/ KISKIMINETAS RIVER;
 OTHER

7/18/12
 ESCGP-1 NO.: ESX11-007-0016 MAJOR REVISION
 Applicant Name: CHESAPEAKE APPALACHIA LLC
 CONTACT PERSON: MR ERIC W HASKINS
 ADDRESS: 101 NORTH MAIN STREET
 City: ATHENS State: PA Zip Code: 18810
 County: BEAVER Township(s): CHIPPEWA
 Receiving Stream(s) and Classifications: UNT TO SOUTH
 BRANCH BRADY RUN, TSF; OTHER

3/16/12
 ESCGP-1 NO.: ESX12-125-0033
 Applicant Name: CNX GAS COMPANY LLC
 CONTACT: MR DANIEL BITZ
 ADDRESS: 200 EVERGREENE DRIVE
 City: WAYNESBURG State: PA Zip Code: 15370
 County: WASHINGTON Township(s): MORRIS
 Receiving Stream(s) and Classifications: 2 UNT
 TENMILE CREEK (TSF); 2 UNT CRAFTS CREEK/
 TENMILE CREEK (TSF); OTHER

7/2/12

ESCGP-1 NO.: ESX12-125-0081

Applicant Name: RICE DRILLING B LLC

CONTACT: DAVID MILLER

ADDRESS: 171 HILLPOINTE DRIVE SUITE 301

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): SOMERSET

Receiving Stream(s) and Classifications: UNT PIGEON CREEK; OTHER WWF

7/26/12

ESCGP-1 NO.: ESX11-059-0019 MAJOR REVISION

Applicant Name: EQT PRODUCTION

CONTACT: MR TODD KLANER

ADDRESS: 455 RACETRACK ROAD

City: WASHINGTON State: PA Zip Code: 15301

County: GREENE Township(s): CENTER

Receiving Stream(s) and Classifications: UNTs TO RUSH RUN—HQ-WWF RUSH RUN—HQ-WWF TENMILE CREEK WATERSHED; HQ

[Pa.B. Doc. No. 12-1744. Filed for public inspection September 7, 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.

Minor Revisions to Technical Guidance Documents

Following a reorganization within the Department, the following documents have changed from ID numbers beginning with 257 (Bureau of Waste Management) to ID numbers beginning with 263 (Bureau of Environmental Cleanup and Brownfields). While contact information and internal references may have also changed where appropriate, no substantive changes have been made to these documents.

<i>Prior DEP ID</i>	<i>New DEP ID</i>	<i>Title</i>
257-481-001	263-4180-001	Penalty Assessment Matrix
257-4500-601	263-4500-601	Closure Requirements for Underground Storage Tanks
257-2300-001	263-2300-001	Underground Storage Tank Class A and Class B Operator Training Courses
257-0900-021	263-0900-021	UST/AST System Variances
257-4200-001	263-4200-001	Closure Requirements for Aboveground Storage Tanks
257-0900-022	263-0900-022	Verification of Emergency Containment Structures for Aboveground Storage Tanks
257-3120-002	263-3120-002	Storage Tank Program Internal Policy on Inspections and On-Site Visits
257-4000-001	263-4000-001	Storage Tank Product Delivery Prohibition
257-3120-001	263-3120-001	Evaluation of Underground Storage Tank Liners
257-4180-002	263-4180-002	Storage Tank Program Compliance Assistance Strategy
257-0900-011	263-0900-011	Storage Tank Modification and Maintenance Issues
257-3300-002	263-3300-002	Permeability of Secondary Containment and Emergency Containment
257-2320-001	263-2320-001	Policy for Existing Field-Constructed Hazardous Substance Underground Storage Tanks at Facilities Regulated Under the Safe Drinking Water Act
257-0900-014	263-0900-014	Applicability of Chapter 245.453—Assessing the Site at Closure or Change-In-Service—To Underground Storage Tank (UST) Systems Closed Prior to the Effective Date of the Federal Regulations
257-0900-006	263-0900-006	Stationary/Non-Stationary Tanks
257-0900-012	263-0900-012	Storage Tank Cleaning Activities
257-3120-003	263-3120-003	Guidelines for Conducting Underground Storage Tank (UST) Facility Operations Inspections (FOI)

<i>Prior DEP ID</i>	<i>New DEP ID</i>	<i>Title</i>
257-0900-015	263-0900-015	Implementation of Act 16
257-0900-016	263-0900-016	Implementation of Act 34

Contact: Questions regarding this action should be directed towards Adam Krichmar, (717) 772-5831 or akrichmar@pa.gov.

Effective Date: Effective upon publication in the *Pennsylvania Bulletin*.

Draft Technical Guidance Document: New Guidance

DEP ID: 273-4110-002. *Title:* Air Quality Program Guidance for Determination of Significant Figures and Timeliness of Report Submittal for Evaluation of Air Contaminant Emissions and Concentrations. *Description:* The Department believes that timely and consistent determinations of air contaminant emissions and concentrations are necessary to ensure that the air quality needs of the Commonwealth are fully met. As a result, this guidance is intended to establish conventions for rounding, truncation and determination of significant figures for determining air contaminant emissions and ambient concentrations and timeliness criteria for demonstrations and determinations of compliance, for the Department's various programs authorized by the Pennsylvania Air Pollution Control Act (35 P. S. §§ 4001—4015). The scope of the policy will extend to permitting (including potential to emit determinations), stationary source emission testing, air quality modeling analyses, sampling, continuous source monitoring, Annual Emission Inventory and Emission Statement, periodic compliance reporting and emission inventories contained in State Implementation Plans for attainment, Reasonable Further Progress and maintenance of National Ambient Air Quality Standards. In addition, the policy will memorialize existing conventions while providing guidance where none existed.

Written Comments: Interested persons may submit written comments on this draft technical guidance document by October 9, 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 Douglas Haulik, Chief, Continuous Compliance Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or dhaulik@pa.gov.

Contact: Questions regarding the draft technical guidance document should be directed to Douglas Haulik, (717) 772-4482 or dhaulik@pa.gov.

Effective Date: The proposed guidance document will be effective upon publication as final in the *Pennsylvania Bulletin*.

Final Technical Guidance: Substantive Revision

DEP ID: 362-4180-006. *Title:* Civil Penalty Assessment Informal Hearing Procedure for Clean Water Program. *Description:* This guidance document was developed to describe the procedure to be used by Department Water Quality Operations staff for holding an informal hearing as it relates to civil penalty assessments for violations of National Pollutant Discharge Elimination System permits.

Written Comments: The Department published notice of the public comment period for this draft technical guidance at 39 Pa.B. 3136 (June 20, 2009). The public

comment period closed on July 20, 2009. Five written comments were received during the public comment period and are located in the associated Comment and Response Document. This guidance was revised as a result of these comments.

Contact: Questions regarding the draft technical guidance document should be directed to Robert Kachonik at (717) 783-3863 or rkachonik@pa.gov.

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

Rescission of Technical Guidance

DEP ID: 383-3130-108. *Title:* New Source Sampling Requirements for Surface Water Sources. *Description:* The Department, Bureau of Water Standards and Facility Regulation, provided information relating to new source sampling requirements for surface water sources to support public water systems and Department staff in implementing the Safe Drinking Water Program. This guidance document is being rescinded because it contains information that is no longer current due to regulatory updates at 25 Pa. Code Chapter 109 (relating to safe drinking water) that became effective on December 26, 2009.

Contact: Questions regarding this action should be directed to Chad Reisch at creisch@pa.gov or (717) 772-4061.

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

DEP ID: 383-3130-208. *Title:* New Source Sampling Requirements for Groundwater Sources for Community and Nontransient Noncommunity Water Systems. *Description:* The Department, Bureau of Water Standards and Facility Regulation, provided information relating to new source sampling requirements for groundwater sources for community and nontransient noncommunity water systems to support public water systems and Department staff in implementing the Safe Drinking Water Program. This guidance document is being rescinded because it contains information that is no longer current due to regulatory updates at 25 Pa. Code Chapter 109 that became effective on December 26, 2009.

Contact: Questions regarding this action should be directed to Chad Reisch at creisch@pa.gov or (717) 772-4061.

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

DEP ID: 383-3130-308. *Title:* Transient Noncommunity Water Systems: New Source Sampling Requirements for Groundwater Sources. *Description:* The Department, Bureau of Water Standards and Facility Regulation, provided information relating to new source sampling requirements for groundwater sources to support public water systems and Department staff in implementing the Safe Drinking Water Program. This guidance document is being rescinded because it contains information that is no longer current due to regulatory updates at 25 Pa. Code Chapter 109 that became effective on December 26, 2009.

Contact: Questions regarding this action should be directed to Chad Reisch at creisch@pa.gov or (717) 772-4061.

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

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1745. Filed for public inspection September 7, 2012, 9:00 a.m.]

Bid Opportunity

OOGM 12-3R, Cleaning Out and Plugging Seven 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, Mr. Richard P. Ferraro and Mrs. Grace M. Valunsky Properties), Summit, Cranberry, Connoquenessing and Jefferson Townships, Butler County. The principal items of work and approximate quantities are to clean out and plug seven 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 September 7, 2012, and bids will be opened on October 11, 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 September 21, 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. 12-1746. Filed for public inspection September 7, 2012, 9:00 a.m.]

Oil and Gas Technical Advisory Board Special Meetings

The Oil and Gas Technical Advisory Board will hold two special meetings on Monday, September 17, 2012, and Monday, October 15, 2012, at 10 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the September 17, 2012, meeting is to discuss the Department of Environmental Protection's (Department) Erosion and Sediment Control General Permit 2, Oil and Gas Spill Policy and joint Department and Pennsylvania Emergency Management Agency Act 9 emergency regulations. The purpose of the October 15, 2012, meeting is to discuss revisions to 25 Pa. Code Chapter 78, Subchapter C (relating to environmental protection performance standards).

Questions concerning this schedule or agenda items can be directed to Kurt Klappkowski at (717) 772-2199 or kklappkowski@pa.gov. This schedule, agendas for the meetings 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 Darek Jagiela at (717) 783-9645 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. 12-1747. Filed for public inspection September 7, 2012, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of 0.25 acre of land and single family residence located at 215 East Avon Road, City of Chester, Delaware County. Bids are due Friday, November 2, 2012. Interested parties wishing to receive a copy of Solicitation No. 94461 should view the Department's web site at www.dgs.state.pa.us or call Jayne Fitzpatrick at (717) 787-2834.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 12-1748. Filed for public inspection September 7, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of The Good Samaritan Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Good Samaritan Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1749. Filed for public inspection September 7, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Frederick Living—Cedarwood
 2849 Big Road, P. O. Box 498
 Frederick, PA 19435
 FAC ID 062002

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-1750. Filed for public inspection September 7, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fast \$25 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 Fast \$25.
2. *Price:* The price of a Pennsylvania Fast \$25 instant lottery game ticket is \$1.
3. *Prize Play Symbols:* Each Pennsylvania Fast \$25 instant lottery game ticket will contain one play area. The prize play symbols and their captions located in the

play area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$2,500 (TWYFIVHUN) and a Fast \$25 (WIN25) symbol.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$2, \$3, \$5, \$10, \$25, \$30, \$50, \$75, \$100 and \$2,500. The player can win up to 2 times on the ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 20,400,000 tickets will be printed for the Pennsylvania Fast \$25 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$2,500 (TWYFIVHUN) in the play area, on a single ticket, shall be entitled to a prize of \$2,500.

(b) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching prize play symbols of \$75⁰⁰ (SVY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$75.

(d) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching prize play symbols of \$30⁰⁰ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets with a Fast \$25 (WIN25) symbol in the play area, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three matching prize play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with three matching prize play symbols of \$3⁰⁰ (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets with three matching prize play symbols of \$2⁰⁰ (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Fast \$25 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get Three Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are</i>	<i>Approximate No. Of Winners Per 20,040,000 Tickets</i>
3-FREEs	FREE \$1 TICKET	1 In: 9.38	2,176,000
3-\$2s	\$2	20	1,020,000
3-\$3s	\$3	37.5	544,000

<i>Get Three Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 20,040,000 Tickets</i>
3-\$5s	\$5	75	272,000
3-\$10s	\$10	200	102,000
\$25 w/ FAST \$25	\$25	150	136,000
3-\$30s	\$30	1,371	14,875
(\$25 w/ FAST \$25) × 2	\$50	2,400	8,500
3-\$50s	\$50	12,000	1,700
3-\$75s	\$75	7,500	2,720
3-\$100s	\$100	30,000	680
3-\$2,500s	\$2,500	204,000	100

Reveal a “FAST \$25” (WIN25) symbol, win \$25 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fast \$25 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fast \$25, prize money from winning Pennsylvania Fast \$25 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 Fast \$25 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fast \$25 or through normal communications methods.

DANIEL MEUSER
Secretary

[Pa.B. Doc. No. 12-1751. Filed for public inspection September 7, 2012, 9:00 a.m.]

Pennsylvania Spooktacular Cash 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 Spooktacular Cash.

2. *Price:* The price of a Pennsylvania Spooktacular Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Spooktacular Cash instant lottery game ticket will contain one play area featuring 12 play symbols and their captions. The play symbols and their captions, located in the play area are: Bat (BAT) symbol, Broom (BROOM) symbol, Candelabra (CNDLBR) symbol, Candy Corn (CANDY) symbol, Cat (CAT) symbol, Cauldron (CAULDRN) symbol, Coins (COINS) symbol, Fog (FOG) symbol, Frog (FROG) symbol, Hat (HAT) symbol, Haunted House (HOUSE) symbol, Money Bag (\$BAG) symbol, Monster (MONSTR) symbol, Moon (MOON) symbol, Owl (OWL) symbol, Pumpkin (PUMPKIN) symbol, Skull (SKULL) symbol, Snake (SNAKE) symbol, Spider (SPIDER) symbol, Ghost (GHOST) symbol and a Spooky Eyes (SPKYEYES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. The player can win up to 12 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct one Lucky 13 second-chance drawing for which non-winning Pennsylvania Spooktacular Cash instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Spooktacular Cash instant lottery game.

8. Determination of Prize Winners:

(a) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$50,000 (FTY THO) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) appears in the “prize” area under that Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$25^{.00} (TWY FIV) appears in the “prize” area under that Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$40^{.00} (FORTY) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$20^{.00} (TWENTY) appears in the “prize” area under that Spooky Eyes (SPKYEYES), on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$25^{.00} (TWY FIV) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$25.

(n) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$20^{.00} (TWENTY) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under that Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$10^{.00} (TEN DOL) appears in the “prize” area under that Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with a Spooky Eyes (SPKYEYES) symbol in the play area, and a prize symbol of \$5^{.00} (FIV DOL) appears in the “prize” area under that Spooky Eyes (SPKYEYES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a Ghost (GHOST) symbol in the play area, and a prize symbol of \$5^{.00} (FIV DOL) appears in the “prize” area under that Ghost (GHOST) 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>Reveal A “GHOST” (GHOST) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$5	\$5	8.57	560,000
\$5 × 2	\$10	30	160,000
\$5 w/SPOOKY EYES	\$10	60	80,000
\$10	\$10	60	80,000
\$10 w/SPOOKY EYES	\$20	120	40,000
\$20	\$20	120	40,000
\$5 × 5	\$25	120	40,000
\$25	\$25	120	40,000
\$5 × 8	\$40	600	8,000
\$10 × 4	\$40	600	8,000
\$20 × 2	\$40	600	8,000
\$20 w/SPOOKY EYES	\$40	600	8,000
\$40	\$40	600	8,000
\$5 × 10	\$50	600	8,000
\$10 × 5	\$50	600	8,000
(\$20 × 2) + (\$5 × 2)	\$50	600	8,000
\$25 w/SPOOKY EYES	\$50	600	8,000
\$50	\$50	600	8,000
(\$25 × 2) + (\$5 × 10)	\$100	1,714	2,800
\$20 × 5	\$100	1,714	2,800

Reveal A "GHOST" (GHOST)
Symbol, Win Prize Shown
Under That Symbol. Win
With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets
\$25 × 4	\$100	1,714	2,800
\$50 × 2	\$100	1,714	2,800
\$50 w/SPOOKY EYES	\$100	1,263	3,800
\$100	\$100	1,714	2,800
\$40 × 10	\$400	15,000	320
\$50 × 8	\$400	20,000	240
(\$100 w/SPOOKY EYES) × 2	\$400	6,000	800
\$400	\$400	20,000	240
(\$50 × 2) + (\$40 × 10)	\$500	40,000	120
\$50 × 10	\$500	40,000	120
\$100 × 5	\$500	40,000	120
(\$50 w/SPOOKY EYES) × 5	\$500	15,000	320
\$500	\$500	40,000	120
\$500 w/SPOOKY EYES	\$1,000	40,000	120
\$1,000	\$1,000	120,000	40
\$50,000	\$50,000	480,000	10

Reveal a "SPOOKY EYES" (SPKYEYES) symbol, win double the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery's Lucky 13 Second-Chance Drawing Requirements:

(a) To be eligible for the Pennsylvania Lottery's Lucky 13 second-chance drawing, players must enter non-winning PA-0949 Spooktacular Cash (\$5) or PA-1002 Winning Web (\$2) instant lottery tickets via the Lottery's website (palottery.com). To enter non-winning tickets players must visit the Lottery's website, click on the Lucky 13 promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one PA-0949 Spooktacular Cash (\$5) or PA-1002 Winning Web (\$2) 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 will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's Lucky 13 second-chance drawing is via the Pennsylvania Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning PA-0949 Spooktacular Cash (\$5) or PA-1002 Winning Web (\$2) instant ticket entered will determine the number of entries a player will receive for the Lucky 13 second-chance drawing. Accordingly, entering a non-winning PA-0949 Spooktacular Cash (\$5) ticket will entitle the player to five entries and entering a non-winning PA-1002 Winning Web (\$2) will entitle the player to two entries.

11. Pennsylvania Lottery's Lucky 13 Second-Chance Drawing:

(a) The Lottery will conduct one second-chance drawing as part of the Pennsylvania Lottery's Lucky 13 promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's Lucky 13 second-chance drawing entries received on or before 11:59:59 p.m. October 24, 2012, will be entered in the Pennsylvania Lottery's Lucky 13 second-chance drawing, which will be held the week of October 29, 2012.

(2) The winners of the Pennsylvania Lottery's Lucky 13 second-chance drawing will be announced during the Pennsylvania Lottery's live drawing show on October 31, 2012.

(3) The odds of an entry being selected in a Pennsylvania Lottery's Lucky 13 second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in the Pennsylvania Lottery's Lucky 13 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 Lucky 13 second-chance drawing.

(d) If a Pennsylvania Lottery's Lucky 13 second-chance drawing entry is rejected during or following a Pennsylvania Lottery's Lucky 13 second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in the Pennsylvania Lottery's Lucky 13 second-chance drawing. Subsequent entries, from the same individual, selected in the Pennsylvania Lottery's Lucky 13 second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's Lucky 13 second-chance drawing rules and any material describing the Pennsylvania Lottery's Lucky 13 second-chance drawing, the Pennsylvania Lottery's Lucky 13 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 Lucky 13 second-chance drawing. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's Lucky 13 second-chance drawing is not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's Lucky 13 second-chance drawing.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's Lucky 13 second-chance drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's Lucky 13 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 Lucky 13 second-chance drawing prizes:* The first through the thirteenth winners selected in the Pennsylvania Lottery's Lucky 13 second-chance drawing, held the week of October 29, 2012, shall each be entitled to a prize of \$13,000. This prize shall be paid as a lump-sum cash payment.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Spooktacular Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Spooktacular Cash, prize money from winning Pennsylvania Spooktacular Cash 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 Spooktacular Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Spooktacular Cash or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1752. Filed for public inspection September 7, 2012, 9:00 a.m.]

Pennsylvania 10X Cash 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 10X Cash.

2. *Price:* The price of a Pennsylvania 10X Cash instant lottery game ticket is \$10.

3. *Play Symbols:*

(a) Each Pennsylvania 10X Cash instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4." Each play area is played separately.

(b) The play symbols and their captions located in the "PULL 1," "PULL 2," "PULL 3" and "PULL 4" areas for "Game 1" are: Bar (BAR) symbol, Bell (BELL) symbol, Check (CHECK) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Fortune Cookie (COOKIE) symbol, Crown (CRN) symbol, Diamond (DMD) symbol, Gem (GEM) symbol, Key (KEY) symbol, Lock (LOCK) symbol, Pencil (PENCIL) symbol, Pot of Gold (PTGD) symbol, Ring (RING) symbol, Rainbow (RNBOW) symbol, Safe (SAFE) symbol, 7 (SEVN) symbol, Horseshoe (SHOE) symbol, Star (STAR) symbol, Trophy (TROPHY) symbol, Wallet (WALLET) symbol and a Wishbone (WSHBONE) symbol.

(c) The prize play symbols and their captions located in the play area for "Game 2" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and a 10X (10TIMES) symbol.

(d) The play symbols and their captions located in the "YOUR NUMBER" area of "ROW 1," "ROW 2," "ROW 3," "ROW 4," "ROW 5," "ROW 6," "ROW 7," "ROW 8," and "ROW 9" for "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and 10X (10TIMES). The play symbols and their captions located in the "WINNING NUMBER" area of "ROW 1," "ROW 2," "ROW 3," "ROW 4," "ROW 5," "ROW 6," "ROW 7," "ROW 8," and "ROW 9" for "Game 3" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22

(TWTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY).

(e) The play symbols and their captions located in the play area for "Game 4" are: Apple (APPLE) symbol, Banana (BANANA) symbol, Cherry (CHRY) symbol, Grapes (GRAPES) symbol, Lemon (LEMON) symbol, Orange (ORANGE) symbol and a Cash (CASH) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" areas for "Game 1" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$200 (TWO HUN). The prize symbols and their captions located in the "PRIZE" areas for "Game 3" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in "Game 1" are: \$5, \$10, \$20, \$40, \$50, \$100 and \$200. The prizes that can be won in "Game 2" are: \$5, \$10, \$20, \$50, \$100, \$200, \$400 and \$1,000. The prizes that can be won in "Game 3" are: \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$1,000, \$10,000, \$30,000 and \$300,000. The prize that can be won in "Game 4" is \$10. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,800,000 tickets will be printed for the Pennsylvania 10X Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$200 (TWO HUN) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$200.

(2) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$100 (ONE HUN) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$50⁰⁰ (FIFTY) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$40⁰⁰ (FORTY) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$20⁰⁰ (TWENTY) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$10⁰⁰ (TEN DOL) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching play symbols in the same "PULL," and a prize symbol of \$5⁰⁰ (FIV DOL) in the "Prize" area to the right of that "PULL," on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with two matching prize play symbols of \$1,000 (ONE THO) and a 10X (10TIMES) symbol in the play area, on a single ticket, shall be entitled to a prize of \$10,000.

(2) Holders of tickets with two matching prize play symbols of \$50⁰⁰ (FIFTY) and a 10X (10TIMES) symbol in the play area, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with three matching prize play symbols of \$400 (FOR HUN) in the play area, on a single ticket, shall be entitled to a prize of \$400.

(4) Holders of tickets with three matching prize play symbols of \$200 (TWO HUN) in the play area, on a single ticket, shall be entitled to a prize of \$200.

(5) Holders of tickets with two matching prize play symbols of \$20⁰⁰ (TWENTY) and a 10X (10TIMES) symbol in the play area, on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets with two matching prize play symbols of \$10⁰⁰ (TEN DOL) and a 10X (10TIMES) symbol in the play area, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets with two matching prize play symbols of \$5⁰⁰ (FIV DOL) and a 10X (10TIMES) symbol in the play area, on a single ticket, shall be entitled to a prize of \$50.

(10) Holders of tickets with three matching prize play symbols of \$20⁰⁰ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(11) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$300,000 (THRHUNTHO) appears in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$300,000.

(2) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$30,000 (TRY THO) appears in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$30,000.

(3) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$10,000 (TEN THO) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets with a 10X (10TIMES) symbol in a "ROW," and a prize symbol of \$1,000 (ONE THO) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$10,000.

(5) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol

in the same "ROW," and a prize symbol of \$1,000 (ONE THO) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$1,000.

(6) Holders of tickets with a 10X (10TIMES) symbol in a "ROW," and a prize symbol of \$50.⁰⁰ (FIFTY) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$500.

(7) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$200 (TWO HUN) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$200.

(8) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$100 (ONE HUN) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets with a 10X (10TIMES) symbol in a "ROW," and a prize symbol of \$10.⁰⁰ (TEN DOL) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$100.

(10) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$50.⁰⁰ (FIFTY) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$50.

(11) Holders of tickets with a 10X (10TIMES) symbol in a "ROW," and a prize symbol of \$5.⁰⁰ (FIV DOL) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$50.

(12) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$40.⁰⁰ (FORTY) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$40.

(13) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$20.⁰⁰ (TWENTY) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$20.

(14) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$10.⁰⁰ (TEN DOL) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$10.

(15) Holders of tickets with the "YOUR NUMBER" play symbol matching the "WINNING NUMBER" play symbol in the same "ROW," and a prize symbol of \$5.⁰⁰ (FIV DOL) in the "PRIZE" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$5.

(e) Determination of prize winners for "Game 4" area. Holders of tickets with three matching Cash (CASH) symbols in a row, column or diagonal in the play area, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes, and approximate odds of winning:

Win with:

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Game 4</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 7,800,000 Tickets</i>
			\$10	\$10	12	650,000
		\$10		\$10	12	650,000
		\$10	\$10	\$20	60	130,000
\$10	\$10			\$20	60	130,000
\$10		\$10		\$20	60	130,000
\$10	\$10	\$10	\$10	\$20	60	130,000
\$10		\$10 × 2	\$10	\$40	300	26,000
\$10		\$10 × 3	\$10	\$40	600	13,000
\$10 × 4				\$40	600	13,000
		\$5 w/ 10X		\$50	300	26,000
	\$5 w/ 10X			\$50	300	26,000
		\$10 × 5		\$50	150	52,000
\$10 × 2	\$10	\$10	\$10	\$50	300	26,000
(\$5 × 3) + \$10	\$20	\$5 × 9	\$10	\$100	600	13,000
	\$10 w/ 10X			\$100	600	13,000
		\$10 w/ 10X		\$100	200	39,000
	\$5 w/ 10X	\$5 w/ 10X		\$100	150	52,000
\$50	\$50			\$100	600	13,000
\$5 × 4	\$10 w/ 10X	(\$10 × 5) + (\$5 × 4)	\$10	\$200	2,400	3,250
\$10 × 4	\$10 w/ 10X	(\$5 × 8) + \$10	\$10	\$200	2,400	3,250
\$20 × 4	\$20	\$10 w/ 10X		\$200	12,000	650
\$50	\$50	\$40 + \$50	\$10	\$200	2,400	3,250
	\$20	\$20 × 9		\$200	4,000	1,950
\$50 × 4				\$200	12,000	650
(\$40 × 2) + (\$20 × 2)	\$20 w/ 10X	(\$20 × 8) + \$10	\$10	\$500	6,000	1,300
	\$50 w/ 10X			\$500	6,000	1,300

Win with:

Game 1	Game 2	Game 3	Game 4	Win	Approximate Odds Are 1 In:	Approximate No. of Winners Per 7,800,000 Tickets
		\$50 w/ 10X		\$500	6,000	1,300
	\$50	\$50 × 9		\$500	6,000	1,300
\$50 × 4	\$20 w/ 10X	\$20 × 5		\$500	6,000	1,300
\$100 × 4	\$50 w/ 10X	\$10 × 9	\$10	\$1,000	30,000	260
\$100		\$100 × 9		\$1,000	30,000	260
	\$50 w/ 10X	\$50 w/ 10X		\$1,000	30,000	260
\$50 × 2	\$100	\$200 × 4		\$1,000	30,000	260
\$200	\$400	\$50 × 8		\$1,000	30,000	260
\$100 × 4	\$100	\$100 × 5		\$1,000	30,000	260
\$200 × 4	\$200	\$1,000 × 9		\$10,000	780,000	10
		\$1,000 w/ 10X		\$10,000	390,000	20
	\$1,000 w/ 10X			\$10,000	390,000	20
		\$10,000		\$10,000	780,000	10
		\$30,000		\$30,000	260,000	30
		\$300,000		\$300,000	780,000	10

Game 1: Match 3 like symbols across the same PULL, win PRIZE shown to the right of that PULL.

Game 2: Get three like amounts, win that amount. Get two like amounts and a "10X" (10TIMES) symbol, win 10 TIMES that amount.

Game 3: When YOUR NUMBER matches the WINNING NUMBER in the same ROW, win PRIZE shown for that ROW. Reveal a "10X" (10TIMES) symbol in any ROW, win 10 TIMES the PRIZE shown for that ROW.

Game 4: Get 3 "CASH" (CASH) symbols in a row, column or diagonal, win \$10 instantly.

Prizes, including the 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 10X Cash 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 10X Cash, prize money from winning Pennsylvania 10X Cash 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 10X Cash 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 10X Cash or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1753. Filed for public inspection September 7, 2012, 9:00 a.m.]

Pennsylvania Wild Number Bingo '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 Wild Number Bingo '12.

2. *Price:* The price of a Pennsylvania Wild Number Bingo '12 instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania Wild Number Bingo '12 instant lottery game ticket will contain five play areas designated as "CARD 1," "CARD 2," "CARD 3," "CARD 4" and "CARD 5." Each "CARD" will consist of 25 spaces on a 5 by 5 grid. The 76 play symbols located in the five play areas are: The numbers 1 through 75, and a "FREE" symbol. The "FREE" symbol is a free space.

(b) Each Pennsylvania Wild Number Bingo '12 instant lottery game ticket will also contain a "CALLER'S CARD" area and a separate "WILD NUMBER" area. The "CALLER'S CARD" area will consist of 24 spaces on a 6 by 4 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75. The "WILD NUMBER" area will contain a play symbol of 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SEV), 8 (EGT) or 9 (NIN). When the "WILD NUMBER" play symbol appears as the last digit of any of the play symbols located in the five "CARD" play areas, that play symbol is a free space.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$10, \$30, \$90, \$150, \$300, \$1,000, \$3,000 and \$30,000. The player can win up to four times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:*

Approximately 10,800,000 tickets will be printed for the Pennsylvania Wild Number Bingo '12 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in an "X" pattern extending through the "FREE" space and through to each of the four corner spaces, on "CARD 5," shall be entitled to a prize of \$30,000.

(b) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in an "X" pattern extending through the "FREE" space and through to each of the four corner spaces, on "CARD 4," shall be entitled to a prize of \$3,000.

(c) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in an "X" pattern extending through the "FREE" space and through to each of the four corner spaces, on "CARD 3," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in an "X" pattern extending through the "FREE" space and through to each of the four corner spaces, on "CARD 2," shall be entitled to a prize of \$300.

(e) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD

NUMBER" play symbol, in an "X" pattern extending through the "FREE" space and through to each of the four corner spaces, on "CARD 1," shall be entitled to a prize of \$150.

(f) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in the four corners on "CARD 3," "CARD 4" or "CARD 5," shall be entitled to a prize of \$90.

(g) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in the four corners on "CARD 2," shall be entitled to a prize of \$30.

(h) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in the four corners on "CARD 1," shall be entitled to a prize of \$10.

(i) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in a five-space horizontal, vertical or diagonal line on "CARD 5," shall be entitled to a prize of \$10.

(j) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in a five-space horizontal, vertical or diagonal line on "CARD 3" or "CARD 4," shall be entitled to a prize of \$6.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and those play symbols located in the play area whose last digit matches the "WILD NUMBER" play symbol, in a five-space horizontal, vertical or diagonal line on "CARD 1" or "CARD 2," shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
LINE CARD 1	\$3	14.29	756,000
LINE CARD 2	\$3	16.67	648,000
LINE CARD 2 + LINE CARD 1	\$6	33.33	324,000
LINE CARD 3	\$6	50	216,000
LINE CARD 4	\$6	50	216,000
LINE CARD 5	\$10	50	216,000
4 CORNERS CARD 1	\$10	100	108,000
LINE CARD 4 + LINE CARD 3 + LINE CARD 1	\$15	200	54,000
LINE CARD 4 + LINE CARD 3 + LINE CARD 2	\$15	200	54,000
LINE CARD 5 + 4 CORNERS CARD 1	\$20	200	54,000
4 CORNERS CARD 2	\$30	300	36,000
4 CORNERS CARD 2 + 4 CORNERS CARD 1	\$40	800	13,500
4 CORNERS CARD 2 + LINE CARD 5	\$40	800	13,500

Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 10,800,000 Tickets
4 CORNERS CARD 2 + 4 CORNERS CARD 1 + LINE CARD 5	\$50	750	14,400
4 CORNERS CARD 3	\$90	2,400	4,500
4 CORNERS CARD 4	\$90	4,000	2,700
4 CORNERS CARD 5	\$90	3,000	3,600
4 CORNERS CARD 3 + LINE CARD 5	\$100	20,000	540
4 CORNERS CARD 4 + 4 CORNERS CARD 1	\$100	20,000	540
4 CORNERS CARD 3 + 4 CORNERS CARD 1	\$100	20,000	540
4 CORNERS CARD 4 + LINE CARD 5	\$100	20,000	540
4 CORNERS CARD 5 + 4 CORNERS CARD 1	\$100	20,000	540
"X" CARD 1	\$150	8,000	1,350
4 CORNERS CARD 5 + 4 CORNERS CARD 4 + 4 CORNERS CARD 3 + 4 CORNERS CARD 2	\$300	24,000	450
"X" CARD 2	\$300	24,000	450
"X" CARD 3	\$1,000	30,000	360
"X" CARD 4	\$3,000	60,000	180
"X" CARD 5	\$30,000	240,000	45

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wild Number Bingo '12 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wild Number Bingo '12, prize money from winning Pennsylvania Wild Number Bingo '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 Wild Number Bingo '12 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Wild Number Bingo '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1754. Filed for public inspection September 7, 2012, 9:00 a.m.]

Pennsylvania Winning Web 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 Winning Web.

2. *Price:* The price of a Pennsylvania Winning Web instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Winning Web instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Bat (BAT) symbol, Black Cat (BLKCAT) symbol, Broom (BROOM) symbol, Candy Corn (CANDY) symbol, Cauldron (CAULDRN) symbol, Ghost (GHOST) symbol, Hat (HAT) symbol, Money Bag (\$BAG) symbol, Monster (MONSTER) symbol, Moon (MOON) symbol, Owl (OWL) symbol, Pumpkin (PUMPKIN) symbol, Snake (SNAKE) symbol, Skull (SKULL) symbol, Spider (SPDR) symbol and a Web (WEB) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1⁰⁰ (ONE DOL), FREE (TICKET), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$8⁰⁰ (EGT DOL), \$9⁰⁰ (NIN DOL), \$13⁰⁰ (THRTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$30⁰⁰ (THIRTY), \$45⁰⁰ (FRY FIV), \$100 (ONE HUN), \$300 (THR HUN), \$900 (NIN HUN), \$3,000 (THR THO) and \$31,000 (TRYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, Free \$2 Ticket, \$2, \$3, \$4, \$5, \$8, \$9, \$13, \$20, \$25, \$30, \$45, \$100, \$300, \$900, \$3,000 and \$31,000. The player can win up to 10 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct one Lucky 13 second-chance drawing for which non-winning Pennsylvania Winning Web instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Winning Web instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$31,000

(TRYONETHO) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(b) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$3,000 (THR THO) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$300 (THR HUN) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$900 (NIN HUN) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$900.

(e) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$300 (THR HUN) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$30⁰⁰ (THIRTY) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$300.

(g) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$9⁰⁰ (NIN DOL) appears in eight of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the “prize” areas and a prize symbol of \$8⁰⁰ (EGT DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$45⁰⁰ (FRY FIV) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$45.

(j) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas, a prize symbol of \$3⁰⁰ (THR DOL) appears in one of the “prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$45.

(k) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$3⁰⁰ (THR DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$25.

(n) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$3⁰⁰ (THR DOL) appears in five of the “prize” areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a Web (WEB) symbol in the play area, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in all ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$13⁰⁰ (THRTN) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$13.

(r) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$9⁰⁰ (NIN DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$9.

(s) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$8⁰⁰ (EGT DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$8.

(t) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$4.

(v) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$3⁰⁰ (THR DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$3.

(w) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$2.

(x) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of FREE (TICKET) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Winning Web instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(y) Holders of tickets with a Spider (SPDR) symbol in the play area, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the “prize” area under that Spider (SPDR) symbol, on a single ticket, shall be entitled to a prize of \$1.

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:

NOTICES

5831

Scratch The Entire Play
Area. Reveal A "SPIDER"
(SPDR) Symbol, Win Prize
Shown Below It. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,600,000 Tickets
FREE	FREE \$2 TICKET	12.5	528,000
\$1 x 2	\$2	150	44,000
\$2	\$2	150	44,000
\$1 x 3	\$3	75	88,000
\$2 + \$1	\$3	50	132,000
\$3	\$3	75	88,000
\$1 x 4	\$4	150	44,000
\$2 x 2	\$4	150	44,000
\$4	\$4	150	44,000
\$1 x 5	\$5	150	44,000
(\$2 x 2) + \$1	\$5	150	44,000
\$3 + \$2	\$5	300	22,000
\$5	\$5	300	22,000
\$2 x 4	\$8	1,500	4,400
\$4 x 2	\$8	107.14	61,600
\$5 + \$3	\$8	375	17,600
\$8	\$8	1,500	4,400
\$1 x 9	\$9	750	8,800
\$3 x 3	\$9	500	13,200
(\$2 x 2) + \$5	\$9	750	8,800
\$5 + \$4	\$9	1,500	4,400
\$9	\$9	750	8,800
(\$2 x 5) + \$3	\$13	375	17,600
(\$3 x 3) + \$4	\$13	375	17,600
\$9 + \$4	\$13	750	8,800
\$8 + \$5	\$13	375	17,600
\$8 + \$3 + \$2	\$13	750	8,800
\$13	\$13	375	17,600
WEB w/(\$2 x 10)	\$20	800	8,250
\$4 x 5	\$20	1,333	4,950
\$5 x 4	\$20	1,333	4,950
(\$9 x 2) + \$2	\$20	1,333	4,950
\$13 + \$5 + \$2	\$20	1,333	4,950
\$20	\$20	1,333	4,950
WEB w/((3 x 5) + (\$2 x 5))	\$25	3,000	2,200
\$5 x 5	\$25	3,000	2,200
(\$4 x 5) + \$5	\$25	3,000	2,200
\$20 + \$5	\$25	3,000	2,200
\$25	\$25	3,000	2,200
WEB w/(\$3 x 10)	\$30	3,000	2,200
(\$13 x 2) + \$4	\$30	3,000	2,200
(\$5 x 2) + \$20	\$30	3,000	2,200
\$5 x 6	\$30	3,000	2,200
\$30	\$30	3,000	2,200
WEB w/((5 x 8) + \$3 + \$2)	\$45	2,000	3,300
\$5 x 9	\$45	4,286	1,540
(\$4 x 8) + \$13	\$45	4,286	1,540
(\$20 x 2) + \$5	\$45	4,286	1,540
(\$13 x 3) + (\$3 x 2)	\$45	4,286	1,540
\$45	\$45	4,286	1,540
WEB w/((9 x 8) + \$20 + \$8)	\$100	3,000	2,200
\$20 x 5	\$100	8,000	825
\$25 x 4	\$100	8,000	825
(\$13 x 7) + \$9	\$100	8,000	825
\$100	\$100	8,000	825
WEB w/(\$30 x 10)	\$300	60,000	110
\$100 x 3	\$300	120,000	55
\$300	\$300	120,000	55
\$300 x 3	\$900	120,000	55
\$900	\$900	120,000	55

Scratch The Entire Play Area. Reveal A "SPIDER" (SPDR) Symbol, Win Prize Shown Below It. Win With:

WEB w/(\$300 × 10)
\$3,000
\$31,000

Win:
\$3,000
\$3,000
\$31,000

Approximate
Odds Are
1 In:
220,000
660,000
660,000

Approximate
No. Of Winners Per
6,600,000 Tickets
30
10
10

Reveal a "WEB" (WEB) symbol, win all 10 prizes shown automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery's Lucky 13 Second-Chance Drawing Requirements:

(a) To be eligible for the Pennsylvania Lottery's Lucky 13 second-chance drawing, players must enter non-winning PA-0949 Spooktacular Cash (\$5) or PA-1002 Winning Web (\$2) instant lottery tickets via the Lottery's website (palottery.com). To enter non-winning tickets players must visit the Lottery's website, click on the Lucky 13 promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one PA-0949 Spooktacular Cash (\$5) or PA-1002 Winning Web (\$2) 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 will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's Lucky 13 second-chance drawing is via the Pennsylvania Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning PA-0949 Spooktacular Cash (\$5) or PA-1002 Winning Web (\$2) instant ticket entered will determine the number of entries a player will receive for the Lucky 13 second-chance drawing. Accordingly, entering a non-winning PA-0949 Spooktacular Cash (\$5) ticket will entitle the player to five entries and entering a non-winning PA-1002 Winning Web (\$2) will entitle the player to two entries.

11. Pennsylvania Lottery's Lucky 13 Second-Chance Drawing:

(a) The Lottery will conduct one second-chance drawing as part of the Pennsylvania Lottery's Lucky 13 promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's Lucky 13 second-chance drawing entries received on or before 11:59:59 p.m. October 24, 2012, will be entered in the Pennsylvania Lottery's Lucky 13 second-chance drawing, which will be held the week of October 29, 2012.

(2) The winners of the Pennsylvania Lottery's Lucky 13 second-chance drawing will be announced during the Pennsylvania Lottery's live drawing show on October 31, 2012.

(3) The odds of an entry being selected in a Pennsylvania Lottery's Lucky 13 second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in the Pennsylvania Lottery's Lucky 13 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 Lucky 13 second-chance drawing.

(d) If a Pennsylvania Lottery's Lucky 13 second-chance drawing entry is rejected during or following a Pennsylvania Lottery's Lucky 13 second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in the Pennsylvania Lottery's Lucky 13 second-chance drawing. Subsequent entries, from the same individual, selected in the Pennsylvania Lottery's Lucky 13 second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's Lucky 13 second-chance drawing rules and any material describing the Pennsylvania Lottery's Lucky 13 second-chance drawing, the Pennsylvania Lottery's Lucky 13 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 Lucky 13 second-chance drawing. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's Lucky 13 second-chance drawing is not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsyl

vania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's Lucky 13 second-chance drawing.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's Lucky 13 second-chance drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's Lucky 13 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 Lucky 13 second-chance drawing prizes:* The first through the thirteenth winners selected in the Pennsylvania Lottery's Lucky 13 second-chance drawing, held the week of October 29, 2012, shall each be entitled to a prize of \$13,000. This prize shall be paid as a lump-sum cash payment.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winning Web instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winning Web, prize money from winning Pennsylvania Winning Web 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 Winning Web instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winning Web or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-1755. Filed for public inspection September 7, 2012, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Citizens for Pennsylvania's Future v. DEP and WPX Energy Appalachia, LLC, Permittee; EHB Doc. No. 2012-153-L

Citizens for Pennsylvania's Future has appealed the issuance by the Department of Environmental Protection of an approval of coverage under Erosion and Sediment Control General Permit ESCGP-1 issued to WPX Energy Appalachia, LLC for a facility in Liberty Township, Susquehanna 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. 12-1756. Filed for public inspection September 7, 2012, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The September 18, 2012, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, October 16, 2012, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the October 16, 2012, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Select "Public Participation"; "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@pa.gov.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-1757. Filed for public inspection September 7, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-476	Environmental Quality Board Coal Mining Fees	8/17/12	9/20/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1758. Filed for public inspection September 7, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Sunoco Chemicals, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2012-0033 (M); Doc. No. UT12-08-011

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 the law.

A prehearing telephone conference shall be held on October 23, 2012, at 9:30 a.m. A hearing will occur on November 6, 2012, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before October 5, 2012. Answers to petitions to intervene, if any, shall be filed on or before October 19, 2012.

On or before October 5, 2012, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

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. 12-1759. Filed for public inspection September 7, 2012, 9:00 a.m.]

Everence Association; Comprehensive Major Medical Expense Certificate, Form 2005273 and others; Rate Filing

On August 20, 2012, Everence Association submitted a rate filing to increase the rates for the Comprehensive Major Medical Expense Certificate, Forms 2005273, 2005274, 2015067, 2015068, 2005275 and 2005276 by an average of 18%. This will affect approximately 733 policyholders and will produce additional annual premium income of \$705,334. The requested effective date is January 1, 2013.

Unless formal administrative action is taken prior to November 22, 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 the link "PA Bulletin."

A copy of the filing is also available for public inspection by appointment during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Sabater, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, jsabater@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1760. Filed for public inspection September 7, 2012, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the insured's company's termination of the insured's homeowners policy. The hearing 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 hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Anna Greco; file no. 12-183-125009; Brethern Mutual Insurance Company; Doc. No. P12-08-010; October 4, 2012, 9:30 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. 12-1761. Filed for public inspection September 7, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made

with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 24, 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-2012-2309340. Atlantis Limousine Service, LLC (1220 Chester Pike, Sharon Hill, Delaware County, PA 19079)—persons, in limousine service, from points in the Counties of Montgomery, Bucks, Chester and Delaware, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103

A-2012-2310264. Amedeo's Limousine Service, Inc. (48 Sturbridge Lane, West Chester, Delaware County, PA 19380)—in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the Counties of Chester and Delaware. *Attorney:* Margaret A. Morris, 2929 Arch Street, Philadelphia, PA 19104.

A-2012-2310335. Med Transit, LLC (P. O. Box 5468, Philadelphia, Philadelphia County, PA 19143)—person, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2012-2311747. Greene Countrie Coach, LLC (P. O. Box 2606, West Chester, Chester County, PA 19380)—persons in limousine service, from points in Chester and Delaware Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2012-2312893. Quakertown Taxi, LLC (312 West Broad Street, Quakertown, Bucks County, PA 18951)—persons in limousine service, from points in Chester and Delaware Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Heather C. Winett, Esq., 1500 JFK Boulevard, Suite 200, Philadelphia, PA 19102-1706.

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 persons by transfer of rights as described under the application.*

A-2012-2304787. Kutztown Area Transport Service, Inc. (87 South Kemp Road, Kutztown, Berks County, PA 19530)—in paratransit service, between points in the Counties of Montgomery, Chester and Berks, and the City and County of Philadelphia, and from points in said City and Counties, to points in Pennsylvania, and return; which is to be a transfer of all rights authorized under the certificate issued at A-00119127 to Goodwill Steam Fire Engine Company No. 1 of Pottstown, PA, t/d/b/a Good Will Ambulance, subject to the same limitations and conditions. *Attorney:* Christina M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050

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-2012-2308996. Melvin S. Groff (391 East Main Street, Leola, Lancaster County, PA 17540)—discontin-

ance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Borough of New Holland and Ephrata and the Townships of Ephrata and Upper Leacock and the City of Lancaster, all located in the County of Lancaster, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1762. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320224. Empire Telephone Company and Cingular Wireless, LLC. Joint petition of Empire Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Empire Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 21, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Empire Telephone Company and Cingular Wireless, 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. 12-1763. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320233. Lackawaxen Telecommunications Services, Inc. and Cingular Wireless, LLC. Joint petition of Lackawaxen Telecommunications Services, Inc. and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Lackawaxen Telecommunications Services, Inc. and Cingular Wireless, LLC, by its counsel, filed on August 21, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Lackawaxen Telecommunications Services, Inc. and

Cingular Wireless, 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. 12-1764. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320236. Laurel Highland Telephone Company and Cingular Wireless, LLC. Joint petition of Laurel Highland Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Laurel Highland Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 21, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Laurel Highland Telephone Company and Cingular Wireless, 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. 12-1765. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320998. MCImetro Access Transmission Services, LLC and Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC and Frontier Communications of Oswayo, LLC. Joint petition of MCImetro Access Transmission Services, LLC and Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC and Frontier Communications of Oswayo, LLC for approval of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

MCImetro Access Transmission Services, LLC and Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC and Frontier Communications of Oswayo, LLC, by its counsel, filed on August 27, 2012, at the Pennsylvania Public Utility Commission (Commission), a

joint petition for approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the MCImetro Access Transmission Services, LLC and Frontier Communications of Pennsylvania, LLC, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC and Frontier Communications of Oswayo, 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. 12-1766. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320227. North Penn Telephone Company and Cingular Wireless, LLC. Joint petition of North Penn Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of North Penn Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 21, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Penn Telephone Company and Cingular Wireless, 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. 12-1767. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320377. North-Eastern Pennsylvania Telephone Company and Cingular Wireless, LLC. Joint petition of North-Eastern Pennsylvania Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of North-Eastern Pennsylvania Telephone Company and Cingular Wireless, LLC, by its counsel,

filed on August 22, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North-Eastern Pennsylvania Telephone Company and Cingular Wireless, 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. 12-1768. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320647. North-Eastern Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. Joint petition of North-Eastern Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of North-Eastern Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc., by its counsel, filed on August 22, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North-Eastern Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1769. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320373. Palmerton Telephone Company and Cingular Wireless, LLC. Joint petition of Palmerton Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Palmerton Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 22, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Palmerton Telephone Company and Cingular Wireless, 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. 12-1770. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320648. Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. Joint petition of Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc., by its counsel, filed on August 23, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Pennsylvania Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1771. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320360. Pymatuning Independent Telephone Company and Cingular Wireless, LLC. Joint petition of Pymatuning Independent Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Pymatuning Independent Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 22, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Pymatuning Independent Telephone Company and Cingular Wireless, 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. 12-1772. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320359. South Canaan Telephone Company and Cingular Wireless, LLC. Joint petition of South Canaan Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of South Canaan Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 22, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the South Canaan Telephone Company and Cingular Wireless, 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. 12-1773. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320521. Sprint Spectrum, LP, Nextel West Corp, NPCR, Inc., d/b/a Nextel Partners and Hickory Telephone Company. Joint petition of Sprint Spectrum, LP, Nextel West Corp, NPCR, Inc., d/b/a Nextel Partners and Hickory Telephone Company for approval of the interconnection agreement amendment under section 252(e) of the Telecommunications Act of 1996.

Sprint Spectrum, LP, Nextel West Corp, NPCR, Inc., d/b/a Nextel Partners and Hickory Telephone Company,

by its counsel, filed on August 23, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of the interconnection agreement amendment 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 Sprint Spectrum, LP, Nextel West Corp, NPCR, Inc., d/b/a Nextel Partners and Hickory Telephone Company 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. 12-1774. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320358. Venus Telephone Company and Cingular Wireless, LLC. Joint petition of Venus Telephone Company and Cingular Wireless, LLC for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Venus Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 22, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Venus Telephone Company and Cingular Wireless, 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. 12-1775. Filed for public inspection September 7, 2012, 9:00 a.m.]

Telecommunications

A-2012-2320651. Venus Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. Joint petition of Venus Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. for approval of an amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Venus Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc., by its counsel, filed on August 23, 2012, at the Pennsylvania

Public Utility Commission (Commission), a joint petition for the approval of an amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Venus Telephone Company and Sprint Spectrum, LP, Nextel West Corp. and NPCR, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1776. Filed for public inspection September 7, 2012, 9:00 a.m.]

Water Service

A-2012-2320489. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in an additional portion of Morris Township, Washington County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 24, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1777. Filed for public inspection September 7, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Medallion Stock Transfer Application for Service in the City of Philadelphia

Permanent authority to render service as a common carrier in the City of Philadelphia has been granted by the Philadelphia Parking Authority (PPA) Taxicab and

Limousine Division (TLD) to the following named company. The applicant has applied to transfer the ownership rights held by Batyam Cab Company (CPC No. 1000009-01, Medallion Nos. P-0824 and P-0991) 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-12-07-05. Batyam Cab Company Stock, Buyer: Anis Nasr (50%), 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on December 27, 1988.

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 24, 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. 12-1778. Filed for public inspection September 7, 2012, 9:00 a.m.]

Motor Carrier Medallion Stock Transfer Application for Service in the City of Philadelphia

Permanent authority to render service as a common carrier in the City of Philadelphia has been granted by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) to the following named company. The applicant has applied to transfer the ownership rights held by Batyam Cab Company (CPC No. 1000009-01, Medallion Nos. P-0824 and P-0991) 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-12-07-06. Batyam Cab Company Stock, Buyer: Bhupinder Singh (50%), 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on December 27, 1988.

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 24, 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. 12-1779. Filed for public inspection September 7, 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 Global Taxicab, Inc. (CPC No. 1011813-01, Medallion No. P-1105) 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-12-08-04. Abaas Transportation, Inc., 922 Thornton Road, Horsham, PA 19044, registered with the Commonwealth on March 17, 2009.

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 24, 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. 12-1780. Filed for public inspection September 7, 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 Lalla Trans, Inc. (CPC No. 1026665-01, Medallion No. P-0003) 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-12-08-06. Abir & Sadia Trans., Inc., 29 Poplar Street, B 14 Hatfield, PA 19440, registered with the Commonwealth on May 31, 2011.

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 24, 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. 12-1781. Filed for public inspection September 7, 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 MBO Trans, Inc. (CPC No. 1023978-01, Medallion No. P-1366) 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-12-08-05. Jarnail Taxi, Inc., 3039 5th Street, Voorhees, NJ 00843, registered with the Commonwealth on April 16, 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 24, 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. 12-1782. Filed for public inspection September 7, 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 Wood Direct, Inc. (CPC No. 1000679-01, Medallion No. P-0950) 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-12-08-02. A&B Brothers Taxi, Inc., 4564 Shelbourne Street, Philadelphia, PA 19124, registered with the Commonwealth on June 11, 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 24, 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. 12-1783. Filed for public inspection September 7, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-072.P, Miscellaneous Roofing Materials, until 2 p.m. Thursday, September 20, 2012. Information concerning this project can be obtained from the web site www.philaport.com or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-1784. Filed for public inspection September 7, 2012, 9:00 a.m.]

STATE BOARD OF EDUCATION

Application of the Porter Township Initiative Independent School District for Transfer from the East Stroudsburg Area School District to the Wallenpaupack Area School District

Resolution

Whereas, pursuant to section 242.1(a) of the Public School Code of 1949 (School Code), as amended, 24 P. S. § 2-242.1(a), the taxable inhabitants of the now-constituted Porter Township Initiative (Porter Township), constituting the Township of Porter, Pike County, and the East Stroudsburg Area School District (East Stroudsburg), presented their petition to the Court of Common Pleas of Pike County (docketed as No. 1895-2009-Civil), asking that the territory be established as an independent school district for the sole purpose of transfer to the Wallenpaupack Area School District (Wallenpaupack), an adjacent school district contiguous to Porter Township; and

Whereas, the Secretary of Education, pursuant to section 242.1(a) of the School Code, passed approvingly, from an educational standpoint, upon the merits of the petition for the creation and transfer of the independent school district; and

Whereas, by decree entered August 3, 2011, pursuant to section 242.1(a) of the School Code, the Court of Common Pleas of Pike County (1) established Porter Township for the sole purpose of its transfer from East Stroudsburg to Wallenpaupack; and (2) determined the amount of the indebtedness and obligations of East Stroudsburg that Wallenpaupack must assume and pay and the schedule for remitting payment; and

Whereas, on appeal by East Stroudsburg, the Commonwealth Court of Pennsylvania on April 30, 2012, affirmed the order of the Court of Common Pleas, see *Porter Twp. Initiative v. E. Stroudsburg Area Sch. Dist.*, No. 1679 C.D. 2011, 2012 Pa. Commw. LEXIS 131, and denied reargument on June 28, 2012, see 2012 Pa. Commw. LEXIS 188; and

Whereas, consistent with section 292.1 of the School Code, as amended, 24 P. S. § 2-292.1, legal counsel for Porter Township on June 29, 2012, submitted to the State

Board a copy of the court decree creating Porter Township, along with the opinion of the Commonwealth Court affirming the decree; and

Whereas, under section 293.1 of the School Code, as amended, 24 P. S. § 2-293.1, the State Board is obligated, upon receipt of a court decree creating an independent district for transfer purposes, to place the item on its agenda and either to approve or disapprove the creation and transfer; and

Whereas, there are no statutory or regulatory procedures, other than the General Rules of Administrative Practice and Procedure (1 Pa. Code Part II), that govern the manner in or procedure by which the State Board is to carry out its duties under section 293.1 of the School Code; and

Whereas, on previous occasions when presented with applications of an independent school district for transfer, the State Board has designated a panel of its members to conduct proceedings and to prepare a report for consideration by the State Board, as approved by the Commonwealth Court of Pennsylvania in *Independent School District v. State Board of Education*, 53 Pa. Commw. 38, 417 A.2d 269 (1980); and

Whereas, the State Board, having discretion to supplement the General Rules of Administrative Practice and Procedure in carrying out its obligations under section 293.1 of the School Code finds it desirable and appropriate that a committee of the State Board be created for the purpose of conducting proceedings under 1 Pa. Code Part II, and preparing a report to the State Board;

Now, Therefore, It Is Hereby Resolved as follows:

1. The chairperson of the State Board will designate a committee of three (3) members to conduct such proceedings as might be appropriate under the General Rules of Administrative Practice and Procedure, to take any action (except final action) that may or must be taken under the rules by the agency or agency head, and to report to the State Board in accordance with this Resolution. All details of these matters, including the designation of a presiding officer, if appropriate, shall be left to the discretion of the committee.

2. Upon completion of all appropriate proceedings, the committee shall report promptly to the State Board, recommending the proper disposition of the application for transfer.

3. Upon receipt of the report of the committee, the matter shall be placed upon the agenda for action at the next available meeting of the State Board, and the participants shall be so notified.

Given under my hand and our seal
this 12th day of July, 2012

LARRY WITTIG,
Chairperson

Attest:

JOHN H. JEWETT,
Acting Executive Director

[Pa.B. Doc. No. 12-1785. Filed for public inspection September 7, 2012, 9:00 a.m.]

Application of the Riegelsville Independent School District for Transfer from the Easton Area School District to the Palisades School District

Order

And Now, this 25th day of July, 2012, in accordance with the affirmative vote of a majority of the members of the State Board of Education taken July 12, 2012, it is hereby *Ordered*, pursuant to section 293.1 of the Public School Code of 1949, as amended, 24 P. S. § 2-293.1, that the creation of the Riegelsville Independent School District and its transfer from the Easton Area School District to the Palisades School District is *Approved*. The report of the Special Committee of the State Board of Education, approved by the Special Committee on July 11, 2012, is *Accepted* and the recommendation contained therein is hereby *Adopted*.

In accordance with the decree of the Court of Common Pleas of Bucks County dated February 24, 2012, and docketed at No. 2007-02132-31, the transfer creation of the Riegelsville Independent School District and its transfer from the Easton Area School District to the Palisades School District shall take effect on July 1, 2013.

It is further *Ordered*, pursuant to section 292.1 of the Public School Code, as amended, 24 P. S. § 2-292.1, that the application for the assignment of the Riegelsville Independent School District to the Bucks County Intermediate Unit No. 22 is hereby *Approved*. Thus, pursuant to section 293.1 of the Public School Code, the Council of Basic Education is *Directed* to make the necessary changes in the county plan.

Given under my hand and seal this
25th day of July, 2012

LARRY WITTIG,
Chairperson

Attest:

JOHN H. JEWETT,
Acting Executive Director

[Pa.B. Doc. No. 12-1786. Filed for public inspection September 7, 2012, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at the Pennsylvania State Association of Township Supervisors (PSATS) Training Facility, 4855 Woodland Drive, Enola, PA 17025 on September 24, 2012, beginning at 9 a.m. for purposes of receiving input and for the conduct of other

Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or Commission operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 12-1787. Filed for public inspection September 7, 2012, 9:00 a.m.]

Special Election

The State Ethics Commission (Commission) announces that a special election will be conducted at the next regularly scheduled meeting of the Commission on September 24, 2012, for the purpose of selecting a Vice Chairperson.

The Commission member elected shall serve the unexpired term of former Commission Vice Chairperson John J. Bolger, who has assumed the position of Commission Chairperson, as the result of the expiration of the term of service of former Commission Chairperson Louis W. Fryman. That term of office will expire on April 20, 2014.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 12-1788. Filed for public inspection September 7, 2012, 9:00 a.m.]
