

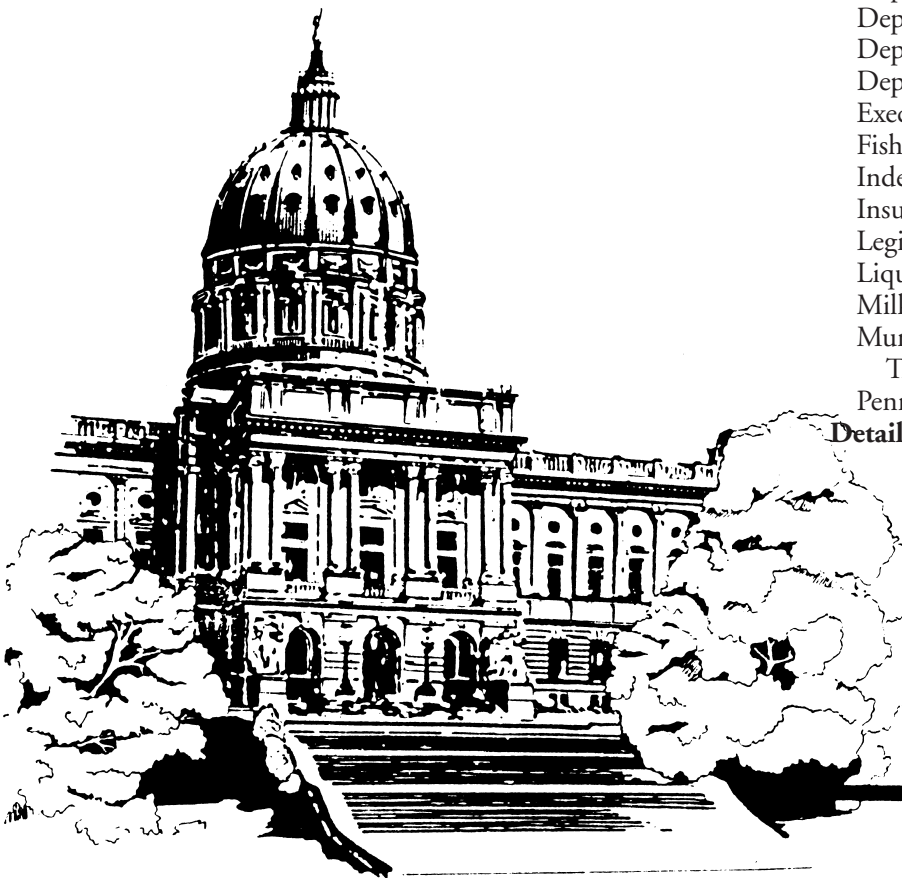
PENNSYLVANIA BULLETIN

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Department of Banking
Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
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Executive Board
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Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Milk Marketing Board
Municipal Police Officers' Education and Training Commission
Pennsylvania Public Utility Commission

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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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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 3, 5 AND 6]

Order Rescinding Rule 600, Adopting New Rule 600, Amending Rules 106, 542 and 543, and Approving the Revision of the Comment to Rules 312, 318 and 608 of the Rules of Criminal Procedure; No. 419 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 1st day of October, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 37 Pa.B. 4170 (August 4, 2007), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 926), and a Final Report to be published with this *Order*:

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

(1) Pennsylvania Rule of Criminal Procedure 600 is rescinded;

(2) New Pennsylvania Rule of Criminal Procedure 600 is adopted;

(3) Pennsylvania Rules of Criminal Procedure 106, 542, and 543 are amended; and

(4) the revision of the Comment to Pennsylvania Rules of Criminal Procedure 312, 318, and 608 are approved, all in the following form. This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2013.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

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

PART A. Business of the Courts

Rule 106. Continuances in Summary and Court Cases.

(A) The court or issuing authority may, in the interests of justice, grant a continuance, on its own motion, or on the motion of either party.

(B) When the matter is before an issuing authority, the issuing authority shall record on the transcript the identity of the moving party and the reasons for granting or denying the continuance.

(C) When the matter is in the court of common pleas, the judge shall on the record identify the moving party and state of record the reasons for granting or denying the continuance. **The judge also shall indicate on the record to which party the period of delay caused by the continuance shall be attributed and whether the time will be included in or excluded from the computation of the time within which trial must commence in accordance with Rule 600.**

[(C)] (D) A motion for continuance on behalf of the defendant shall be made not later than 48 hours before the time set for the [trial] proceeding. A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

(E) When a continuance is granted, the notice of the new date, time, and location of the proceeding shall be served on the parties as provided in these rules.

Comment

For the procedures for filing and service of court orders and notices in general, see Rule 114. For the procedures for service of the continuance of a preliminary hearing, see Rule 542(G)(2).

Official Note: Rule 301 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; renumbered Rule 106 and amended March 1, 2000, effective April 1, 2001; **amended October 1, 2012, effective July 1, 2013.**

Committee Explanatory Reports:

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

Final Report explaining the July 1, 2012 amendments to paragraphs (B) and (C) concerning Rule 600 and paragraph (E) concerning service published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)

PART B. Court Cases

Rule 312. Hearing, Explanation of Program.

* * * * *

Comment

Although acceptance into an ARD program is not intended to constitute a conviction under these rules, it may be statutorily construed as a conviction for purposes of computing sentences on subsequent convictions. *See, e.g., [Vehicle Code 3731(e)(2), added by 75 Pa.C.S. § 731(e)(2)] 75 Pa.C.S. § 3806(a).*

In addition to requesting that the defendant waive Rule 600 for the period of enrollment in the ARD program, the attorney for the Commonwealth may request that the defendant waive Rule 600 for the period of time spent in processing and considering the defendant's inclusion into the ARD program. See Rule 311.

Official Note: Rule 178 approved May 24, 1972; effective immediately; amended February 15, 1974, effective immediately; amended April 10, 1989, effective July 1, 1989; renumbered Rule 312 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised October 1, 2012, effective July 1, 2013.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 1, 2012 Comment revision concerning waiver of Rule 600 published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

Rule 318. Procedure on Charge of Violation of Conditions.

* * * * *

Comment

See Rules [600(D)(3)] 600(A)(2)(c) and 1013(I) and Comments for the time within which to commence trial following a termination order.

Official Note: Rule 184 approved May 24, 1972, effective immediately; amended September 3, 1993, effective January 1, 1994; renumbered Rule 318 and amended March 1, 2000, effective April 1, 2001; **Comment revised October 1, 2012, effective July 1, 2013.**

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published with the Court's Order at 23 Pa.B. 4492 (September 25, 1993).

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

Final Report explaining the October 1, 2012 Comment revision changing the Rule 600 reference published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 542. Preliminary Hearing; Continuances.

* * * * *

(G) CONTINUANCES

(1) The issuing authority may, for cause shown, grant a continuance and shall note on the transcript every continuance together with:

- (a) the grounds for granting each continuance;
- (b) the identity of the party requesting such continuance; and
- (c) the new date [and], time, and place for the preliminary hearing, and the reasons that the particular date was chosen.

When the preliminary hearing is conducted in the court of common pleas, the judge shall record the party to which the period of delay caused by the continuance shall be attributed and whether the time will be included in or excluded from the computation of the time within which trial must commence in accordance with Rule 600.

(2) The issuing authority shall give notice of the new date [and], time, and place for the preliminary hearing to the defendant, the defendant's attorney of record, if any, and the attorney for the Commonwealth.

* * * * *

Official Note: Former Rule 141, previously Rule 120, adopted June 30, 1964, effective January 1, 1965; sus-

pending January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 141 and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph (D) amended April 26, 1979, effective July 1, 1979; amended February 13, 1998, effective July 1, 1998; rescinded October 8, 1999, effective January 1, 2000. Former Rule 142, previously Rule 124, adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; renumbered Rule 142 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; effective date extended to July 1, 1982; amended July 12, 1985, effective January 1, 1986, effective date extended to July 1, 1986; rescinded October 8, 1999, effective January 1, 2000. New Rule 141, combining former Rules 141 and 142, adopted October 8, 1999, effective January 1, 2000; renumbered Rule 542 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended January 27, 2011, effective in 30 days; amended June 21, 2012, effective in 180 days; **amended October 1, 2012, effective July 1, 2013.**

Committee Explanatory Reports:

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Final Report explaining the October 1, 2012 amendments to paragraph (G)(1) concerning computation of time and (G)(2) concerning notice of continuance published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

Rule 543. Disposition of Case at Preliminary Hearing.

* * * * *

(D) In any case in which the defendant fails to appear for the preliminary hearing:

- (1) if the issuing authority finds that the defendant did not receive notice of the preliminary hearing by a summons served pursuant to Rule 511, a warrant of arrest shall be issued pursuant to Rule 509(2)(d).
- (2) If the issuing authority finds that there was good cause explaining the defendant's failure to appear, the issuing authority shall continue the preliminary hearing to a specific date and time, and shall give notice of the new date [and], time, and place as provided in Rule 542(G)(2). The issuing authority shall not issue a bench warrant.
- (3) If the issuing authority finds that the defendant's absence is without good cause and after notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority.

(a) In these cases, the issuing authority shall proceed with the case in the same manner as though the defendant were present.

(b) If the preliminary hearing is conducted and the case held for court, the issuing authority shall

(i) give the defendant notice by first class mail of the results of the preliminary hearing and that a bench warrant has been requested; and

(ii) pursuant to Rule 547, transmit the transcript to the clerk of courts with a request that a bench warrant be issued by the court of common pleas and, if the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2), with a notice to the court of common pleas of the defendant's noncompliance.

(c) If the preliminary hearing is conducted and the case is dismissed, the issuing authority shall give the defendant notice by first class mail of the results of the preliminary hearing.

(d) If a continuance is granted, the issuing authority shall give the parties notice of the new date [**and**], time, **and place** as provided in Rule 542(G)(2), and may issue a bench warrant. If a bench warrant is issued and the warrant remains unserved for the continuation of the preliminary hearing, the issuing authority shall vacate the bench warrant. The case shall proceed as provided in paragraphs (D)(3)(b) or (c).

* * * * *

Official Note: Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended February 12, 2010, effective April 1, 2010; amended January 27, 2011, effective in 30 days; Comment revised July 31, 2012, effective November 1, 2012; **amended October 1, 2012, effective July 1, 2013.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 1, 2012 amendments to paragraphs (D)(2) and (D)(3)(d) adding "place" to "date and time" for preliminary hearing notices published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART A. General Provisions

Rule 600. [**Prompt Trial**] (Rescinded).

[(A)(1) Trial in a court case in which a written complaint is filed against the defendant after June 30, 1973 but before July 1, 1974 shall commence no later than 270 days from the date on which the complaint is filed.

(2) Trial in a court case in which a written complaint is filed against the defendant, when the defendant is incarcerated on that case, shall commence no later than 180 days from the date on which the complaint is filed.

(3) Trial in a court case in which a written complaint is filed against the defendant, when the defendant is at liberty on bail, shall commence no later than 365 days from the date on which the complaint is filed.

(4) Trial in a court case that is transferred from the juvenile court to the trial or criminal division shall commence in accordance with the provision set out in paragraphs (A)(2) and (A)(3) except that the time is to run from the date of filing the transfer order.

(B) For the purpose of this rule, trial shall be deemed to commence on the date the trial judge calls the case to trial, or the defendant tenders a plea of guilty or *nolo contendere*.

(C) In determining the period for commencement of trial, there shall be excluded therefrom:

(1) the period of time between the filing of the written complaint and the defendant's arrest, provided that the defendant could not be apprehended because his or her whereabouts were unknown and could not be determined by due diligence;

(2) any period of time for which the defendant expressly waives Rule 600;

(3) such period of delay at any stage of the proceedings as results from:

(a) the unavailability of the defendant or the defendant's attorney;

(b) any continuance granted at the request of the defendant or the defendant's attorney.

(D)(1) When a trial court has granted a new trial and no appeal has been perfected, the new trial shall commence within 120 days after the date of the order granting a new trial, if the defendant is incarcerated on that case. If the defendant has been released on bail, trial shall commence within 365 days of the trial court's order.

(2) When an appellate court has remanded a case to the trial court, if the defendant is incarcerated on that case, trial shall commence within 120 days after the date of remand as it appears in the appellate court docket. If the defendant has been released on bail, trial shall commence within 365 days after the date of remand.

(3) When a trial court has ordered that a defendant's participation in the ARD program be terminated pursuant to Rule 184, trial shall commence within 120 days of the termination order if the defendant is incarcerated on that case. If the defendant has been released on bail, trial shall commence within 365 days of the termination order.

(E) No defendant shall be held in pre-trial incarceration on a given case for a period exceeding 180 days excluding time described in paragraph (C) above. Any defendant held in excess of 180 days is entitled upon petition to immediate release on nominal bail.

(F) Nothing in this rule shall be construed to modify any time limit contained in any statute of limitations.

(G) For defendants on bail after the expiration of 365 days, at any time before trial, the defendant or the defendant's attorney may apply to the court for an order dismissing the charges with prejudice on

the ground that this rule has been violated. A copy of such motion shall be served upon the attorney for the Commonwealth, who shall also have the right to be heard thereon.

If the court, upon hearing, shall determine that the Commonwealth exercised due diligence and that the circumstances occasioning the postponement were beyond the control of the Commonwealth, the motion to dismiss shall be denied and the case shall be listed for trial on a date certain. If, on any successive listing of the case, the Commonwealth is not prepared to proceed to trial on the date fixed, the court shall determine whether the Commonwealth exercised due diligence in attempting to be prepared to proceed to trial. If, at any time, it is determined that the Commonwealth did not exercise due diligence, the court shall dismiss the charges and discharge the defendant.

In the event the case is dismissed pursuant to this paragraph, the court shall promptly prepare a report of continuances by the Commonwealth, and the reasons therefor, which prevented the case from coming to trial as required by this rule. Such report shall be certified by the president judge or administrative judge, shall be made part of the public record of the case, and shall be sent to the Court Administrator of Pennsylvania within 20 days of the order of discharge.

Comment

Rule 600 was adopted in 1973 pursuant to *Commonwealth v. Hamilton*, 297 A.2d 127 (Pa. 1972).

The time limits of this rule were amended on December 31, 1987, effective immediately. See *Commonwealth v. Palmer*, 558 A.2d 882 (Pa. Super. 1989).

In addition to amending the time limits of the rule, the Court deleted the provisions concerning Commonwealth petitions to extend the time for commencement of trial. See Rule 600(E) and

Paragraph (A)(2) requires that the Commonwealth bring a defendant to trial within 180 days from the filing of the complaint if the defendant is incarcerated on the charges. Under paragraph (E), subject to the exclusions provided in paragraph (C), a defendant who has been incarcerated on the charges pretrial for more than 180 days is entitled, upon petition, to immediate release on nominal bail.

If a defendant is at liberty on bail on the charges, paragraph (A)(3) requires that the Commonwealth bring the defendant to trial within 365 days from the filing of a complaint. Under paragraph (G), after 365 days and at any time before trial, a defendant released on bail or the defendant's counsel may apply to the court for an order dismissing the charges with prejudice on the ground that this rule has been violated. A copy of the motion must be served on the attorney for the Commonwealth, who has a right under this rule to be heard on the motion. If the court, upon hearing, determines that the Commonwealth exercised due diligence and that the circumstances causing the delay in the commencement of trial were beyond the Commonwealth's control, the court must deny the motion and list the case for trial on a date certain. If the court determines that the Commonwealth did not

exercise due diligence, the court must dismiss the charges with prejudice and discharge the defendant.

When calculating the number of days set forth herein, see the Statutory Construction Act, 1 Pa.C.S. § 1908.

Pursuant to this rule, it is intended that "complaint" also includes special documents used in lieu of a complaint to initiate criminal proceedings in extraordinary circumstances such as criminal proceedings instituted by a medical examiner or coroner. See *Commonwealth v. Lopinson*, 234 A.2d 552 (Pa. 1967); *Commonwealth v. Smouse*, 594 A.2d 666 (Pa. Super. 1991).

A trial commences when the trial judge determines that the parties are present and directs them to proceed to *voir dire* or to opening argument, or to the hearing of any motions which had been reserved for the time of trial, or to the taking of testimony, or to some other such first step in the trial. It is not intended that preliminary calendar calls should constitute commencement of a trial. Concerning the hearing of motions reserved for the time of trial, see *Jones v. Commonwealth*, 434 A.2d 1197 (Pa. 1981).

For purposes of determining the time for commencement of trial, paragraph (C) contains the periods which must be excluded from that calculation. For periods of delay that result from the filing and litigation of omnibus pretrial motions for relief or other motions, see *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 736 A.2d 578 (Pa. 1999).

Under paragraph (C)(3)(a), in addition to any other circumstances precluding the availability of the defendant or the defendant's attorney, the defendant should be deemed unavailable for the period of time during which the defendant contested extradition, or a responding jurisdiction delayed or refused to grant extradition; or during which the defendant was physically incapacitated or mentally incompetent to proceed; or during which the defendant was absent under compulsory process requiring his or her appearance elsewhere in connection with other judicial proceedings.

The provisions enumerating the excludable periods contained in paragraph (C) apply to the periods for commencing a trial under paragraph (D).

Paragraphs (D)(1) and (2) provide the time limits for commencement of trial when a trial court has granted a new trial and no appeal has been perfected, or when an appellate court has remanded a case to the trial court, for whatever reason. Under paragraph (D)(1), a trial must commence within 120 days of the trial court order granting a new trial, unless the defendant has been released on bail, in which event the trial must commence within 365 days.

The withdrawal of, rejection of, or successful challenge to a guilty plea should be considered the granting of a new trial for purposes of this rule. Paragraph (D)(1) also applies to the period for commencing a new trial following the declaration of a mistrial.

Under paragraph (D)(2), when an appellate court has remanded a case to the trial court, for whatever reason, trial must commence within 120 days

after the remand, unless the defendant has been released on bail, in which event trial must commence within 365 days after the remand. The date of remand is the date as it appears in the appellate court docket. When remand of the record is stayed, the period for commencement of trial does not begin to run until the record is remanded as provided in this rule.

Although a defendant's removal from the ARD program does not result in a "new trial" under paragraph (D)(3), termination of the defendant's ARD program pursuant to Rule 318 commences a new trial period for the purpose of this rule.

When a judge grants a continuance requested by the defendant, trial should be rescheduled for a date certain consistent with the continuance request and the court's business, and the entire period of such continuance may be excluded under paragraph (C).

When admitted to nominal bail pursuant to this rule, the defendant must execute a bail bond. See Rules 525 and 526.

In addition to requesting that the defendant waive Rule 600 for the period of enrollment in the ARD program (see Rule 312, paragraph (3)), the attorney for the Commonwealth may request that the defendant waive Rule 600 for the period of time spent in processing and considering the defendant's inclusion into the ARD program.]

Official Note: Rule [600] 1100 adopted June 8, 1973, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; paragraph (E) amended December 9, 1974, effective immediately; paragraph (E) re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph (C)(3)(b) excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended September 30, 1988, effective immediately; amended September 3, 1993, effective January 1, 1994; Comment revised September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 600 and amended March 1, 2000, effective April 1, 2001; Comment revised April 20, 2000, effective July 1, 2000; **rescinded October 1, 2012, effective July 1, 2013, and replaced by new Rule 600.**

Committee Explanatory Reports:

* * * * *

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

Final Report explaining the April 20, 2000 Comment revision concerning *Commonwealth v. Hill* and *Commonwealth v. Cornell*,] published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Final Report explaining the October 1, 2012 rescission of current Rule 600 published at 42 Pa.B. 6629 (October 20, 2012).

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

Rule 600. Prompt Trial.

(A) COMMENCEMENT OF TRIAL; TIME FOR TRIAL

(1) For the purpose of this rule, trial shall be deemed to commence on the date the trial judge calls the case to trial, or the defendant tenders a plea of guilty or *nolo contendere*.

(2) Trial shall commence within the following time periods.

(a) Trial in a court case in which a written complaint is filed against the defendant shall commence within 365 days from the date on which the complaint is filed.

(b) Trial in a court case that is transferred from the juvenile court to the trial or criminal division shall commence within 365 days from the date on which the transfer order is filed.

(c) When a trial court has ordered that a defendant's participation in the ARD program be terminated pursuant to Rule 318, trial shall commence within 365 days from the date on which the termination order is filed.

(d) When a trial court has granted a new trial and no appeal has been perfected, the new trial shall commence within 365 days from the date on which the trial court's order is filed.

(e) When an appellate court has remanded a case to the trial court, the new trial shall commence within 365 days from the date of the written notice from the appellate court to the parties that the record was remanded.

(B) PRETRIAL INCARCERATION

Except in cases in which the defendant is not entitled to release on bail as provided by law, no defendant shall be held in pretrial incarceration in excess of

(1) 180 days from the date on which the complaint is filed; or

(2) 180 days from the date on which the order is filed transferring a court case from the juvenile court to the trial or criminal division; or

(3) 180 days from the date on which the order is filed terminating a defendant's participation in the ARD program pursuant to Rule 318; or

(4) 120 days from the date on which the order of the trial court is filed granting a new trial when no appeal has been perfected; or

(5) 120 days from the date of the written notice from the appellate court to the parties that the record was remanded.

(C) COMPUTATION OF TIME

(1) For purposes of paragraph (A), periods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation.

(2) For purposes of paragraph (B), only periods of delay caused by the defendant shall be excluded from the computation of the length of time of any pretrial incarceration. Any other periods of delay shall be included in the computation.

(3)(a) When a judge or issuing authority grants or denies a continuance:

(i) the issuing authority shall record the identity of the party requesting the continuance and the reasons for granting or denying the continuance; and

(ii) the judge shall record the identity of the party requesting the continuance and the reasons for granting or denying the continuance. The judge also shall record to which party the period of delay caused by the continuance shall be attributed, and whether the time will be included in or excluded from the computation of the time within which trial must commence in accordance with this rule.

(b) The determination of the judge or issuing authority is subject to review as provided in paragraph (D)(3).

(D) REMEDIES

(1) When a defendant has not been brought to trial within the time periods set forth in paragraph (A), at any time before trial, the defendant's attorney, or the defendant if unrepresented, may file a written motion requesting that the charges be dismissed with prejudice on the ground that this rule has been violated. A copy of the motion shall be served on the attorney for the Commonwealth concurrently with filing. The judge shall conduct a hearing on the motion.

(2) Except in cases in which the defendant is not entitled to release on bail as provided by law, when a defendant is held in pretrial incarceration beyond the time set forth in paragraph (B), at any time before trial, the defendant's attorney, or the defendant if unrepresented, may file a written motion requesting that the defendant be released immediately on nominal bail subject to any nonmonetary conditions of bail imposed by the court as permitted by law. A copy of the motion shall be served on the attorney for the Commonwealth concurrently with filing. The judge shall conduct a hearing on the motion.

(3) Any requests for review of the determination in paragraph (C)(3) shall be raised in a motion or answer filed pursuant to paragraph (D)(1) or paragraph (D)(2).

(E) Nothing in this rule shall be construed to modify any time limit contained in any statute of limitations.

Comment

Rule 600 was adopted in 1973 as Rule 1100 pursuant to *Commonwealth v. Hamilton*, 449 Pa. 297, 297 A.2d 127 (1972), and provided, *inter alia*, that trials be held within 180 days of the filing of the complaint. The Court in *Hamilton* and subsequent cases explained that, by fixing the maximum time limit within which to try individuals accused of crime, the rule is intended to protect the right of criminal defendants to a speedy trial, protect society's right to effective prosecution of criminal cases, and help eliminate the backlog in criminal cases in the courts of Pennsylvania. See, e.g., *Commonwealth v. Dixon*, 589 Pa. 28, 907 A.2d 468 (2006); *Commonwealth v. Genovese*, 493 Pa. 65, 425 A.2d 367 (1981).

The time limits of this rule were expanded on December 31, 1987, effective immediately, to provide that trials must be held within 365 days of the filing of the complaint. The 1987 amendments also provided that a defendant who has been held in pretrial incarceration longer than 180 days must be released on nominal bail, and deleted the provisions concerning Commonwealth petitions to extend the time for commencement of trial.

In 2012, former Rule 600 was rescinded and new Rule 600 adopted to reorganize and clarify the provisions of the rule in view of the long line of cases that have construed the rule. The new rule incorporates from former Rule 600 the provisions concerning the commencement of trial and the requirement of bringing a defendant to trial within 365 days of specified events, new paragraph (A), and the 120-day or 180-day time limits on

pretrial incarceration, new paragraph (B). New paragraph (C), concerning computation of time and continuances, and new paragraph (D), concerning remedies, have been modified to clarify the procedures and reflect changes in law.

When calculating the number of days set forth herein, see the Statutory Construction Act, 1 Pa.C.S. § 1908.

COMMENCEMENT OF TRIAL; TIME FOR TRIAL

Paragraph (A) addresses both the commencement of trial and the 365-day time for trial. A trial commences when the trial judge determines that the parties are present and directs them to proceed to *voir dire* or to opening argument, or to the hearing of any motions that had been reserved for the time of trial, or to the taking of testimony, or to some other such first step in the trial. See, e.g., *Commonwealth v. Kluska*, 484 Pa. 508, 399 A.2d 681 (1979); *Commonwealth v. Lamonna*, 473 Pa. 248, 373 A.2d 1355 (1977). It is not intended that preliminary calendar calls should constitute commencement of a trial. Concerning the hearing of motions reserved for the time of trial, see *Jones v. Commonwealth*, 495 Pa. 490, 434 A.2d 1197 (1981).

The general rule is that trial must commence within 365 days from the date on which the complaint is filed. Pursuant to this rule, it is intended that "complaint" also includes special documents used in lieu of a complaint to initiate criminal proceedings in extraordinary circumstances such as criminal proceedings instituted by a medical examiner or coroner. See *Commonwealth v. Lopinson*, 427 Pa. 284, 234 A.2d 552 (1967), *vacated on other grounds*, 392 U.S. 647 (1968); *Commonwealth v. Smouse*, 406 Pa.Super. 369, 594 A.2d 666 (1991).

In cases in which the Commonwealth files a criminal complaint, withdraws that complaint, and files a second complaint, the Commonwealth will be afforded the benefit of the date of the filing of the second complaint for purposes of calculating the time for trial when the withdrawal and re-filing of charges are necessitated by factors beyond its control, the Commonwealth has exercised due diligence, and the re-filing is not an attempt to circumvent the time limitation of Rule 600. See *Commonwealth v. Meadius*, 582 Pa. 174, 870 A.2d 802 (2005).

The withdrawal of, rejection of, or successful challenge to a guilty plea should be considered the granting of a new trial for purposes of paragraph (A)(2)(d) of this rule. Paragraph (A)(2)(d) also applies to the period for commencing a new trial following the declaration of a mistrial.

The date of filing court orders for purposes of paragraphs (A)(2) and B is the date of receipt of the order in the clerk of court's office. See the third paragraph of the Comment to Rule 114 (Orders and Court Notices; Filing; Service; and Docket Entries).

When an appellate court has remanded a case to the trial court for a new trial, for purposes of computing the time for trial under paragraph (A)(2)(e) or the length of time of pretrial incarceration for purposes of paragraph (B)(5), the date of the remand is the date of the prothonotary's notice to the parties that the record was remanded. See Pa.R.A.P. 2572(e) concerning the requirement that the prothonotary of the appellate court give the parties written notice of the date on which the record was remanded.

COMPUTATION OF TIME

For purposes of determining the time within which trial must be commenced pursuant to paragraph (A), paragraph (C)(1) makes it clear that any delay in the commencement of trial that is not attributable to the Commonwealth when the Commonwealth has exercised due diligence must be excluded from the computation of time. Thus, the inquiry for a judge in determining whether there is a violation of the time periods in paragraph (A) is whether the delay is caused solely by the Commonwealth when the Commonwealth has failed to exercise due diligence. *See, e.g., Commonwealth v. Dixon*, 589 Pa. 28, 907 A.2d 468 (2006); *Commonwealth v. Matis*, 551 Pa. 220, 710 A.2d 12 (1998). If the delay occurred as the result of circumstances beyond the Commonwealth's control and despite its due diligence, the time is excluded. *See, e.g., Commonwealth v. Browne*, 526 Pa. 83, 584 A.2d 902 (1990); *Commonwealth v. Genovese*, 493 Pa. 65, 425 A.2d 367 (1981). In determining whether the Commonwealth has exercised due diligence, the courts have explained that "[d]ue diligence is fact-specific, to be determined case-by-case; it does not require perfect vigilance and punctilious care, but merely a showing the Commonwealth has put forth a reasonable effort." *See, e.g., Commonwealth v. Selenski*, 606 Pa 51, 61, 994 A.2d 1083, 1089 (Pa. 2010) (citing *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 558 Pa. 238, 256, 736 A.2d 578, 588 (1999)).

Delay in the time for trial that is attributable to the judiciary may be excluded from the computation of time. *See, e.g., Commonwealth v. Crowley*, 502 Pa. 393, 466 A.2d 1009 (1983). However, when the delay attributable to the court is so egregious that a constitutional right has been impaired, the court cannot be excused for postponing the defendant's trial and the delay will not be excluded. *See Commonwealth v. Africa*, 524 Pa. 118, 569 A.2d 920 (1990).

When the defendant or the defense has been instrumental in causing the delay, the period of delay will be excluded from computation of time. *See, e.g., Commonwealth v. Matis, supra; Commonwealth v. Brightwell*, 486 Pa. 401, 406 A.2d 503 (1979) (plurality opinion). For purposes of paragraph (C)(1) and paragraph (C)(2), the following periods of time, that were previously enumerated in the text of former Rule 600(C), are examples of periods of delay caused by the defendant. This time must be excluded from the computations in paragraphs (C)(1) and (C)(2):

(1) the period of time between the filing of the written complaint and the defendant's arrest, provided that the defendant could not be apprehended because his or her whereabouts were unknown and could not be determined by due diligence;

(2) any period of time for which the defendant expressly waives Rule 600;

(3) such period of delay at any stage of the proceedings as results from either the unavailability of the defendant or the defendant's attorney or any continuance granted at the request of the defendant or the defendant's attorney.

In addition to any other circumstances precluding the availability of the defendant or the defendant's attorney, the defendant should be deemed unavailable for the period of time during which the defendant contested extradition, or a responding jurisdiction delayed or refused to grant extradition; or during which the defendant was physically incapacitated or mentally incompetent to proceed; or during which the defendant was absent under

compulsory process requiring his or her appearance elsewhere in connection with other judicial proceedings.

For periods of delay that result from the filing and litigation of omnibus pretrial motions for relief or other motions, see *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 558 Pa. 238, 736 A.2d 578 (1999) (the mere filing of a pretrial motion does not automatically render defendant unavailable; only unavailable if delay in commencement of trial is caused by filing pretrial motion).

For purposes of determining the length of time a defendant has been held in pretrial incarceration pursuant to paragraph (B), only the periods of delay attributable to the defense are to be excluded from the computation. *See Commonwealth v. Dixon*, 589 Pa. 28, 907 A.2d 468 (2006).

Paragraph (C)(3) and Rules 106 (Continuances in Summary and Court Cases) and 542 (Preliminary Hearing; Continuances) require the judge to indicate on the record whether the time is excludable whenever he or she grants a continuance.

When a judge grants a continuance, trial should be rescheduled for a date certain consistent with the continuance request and the court's business. *See, e.g., Commonwealth v. Crowley, supra.*

REMEDIES

Paragraph (D)(1) requires that any defendant, whether incarcerated or released on bail, not brought to trial within the time periods in paragraph (A) at any time before trial may move to have the charges dismissed on the ground that this rule has been violated. *See Commonwealth v. Solano*, 588 Pa. 716, 906 A.2d 1180 (2006).

When a case is dismissed for violation of this rule, the dismissal is "with prejudice," and the Commonwealth's only recourse is to file either a motion for reconsideration or an appeal.

Paragraph (D)(2) sets forth the remedy should a defendant be held in pretrial incarceration beyond the time periods in paragraph (B). Defendants who would not be released on bail based on Article I, Section 14 of the Pennsylvania Constitution are not eligible for release under paragraph (D)(2) of this rule. *See, e.g., Commonwealth v. Sloan*, 589 Pa. 15, 27, n.10, 907 A.2d 460, 467, n.10 (2006); *Commonwealth v. Jones*, 899 A.2d 353 (Pa. Super. 2006). Article I, Section 14 of the Pennsylvania Constitution provides, *inter alia*, that "[a]ll prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great."

Except in cases in which bail is not available pursuant to Article I, Section 14 of the Pennsylvania Constitution, the defendant must be released on nominal bail. Imposition of nominal bail includes in the appropriate case the imposition of nonmonetary conditions of release. *See Commonwealth v. Sloan, supra. See also* Rules 524, 526, and 527 concerning types and conditions of release on bail.

When admitted to nominal bail pursuant to this rule, the defendant must execute a bail bond. *See* Rules 525 and 526.

Paragraph (D)(3) makes it clear that requests for review of the determination concerning continuances

must be raised in a motion for dismissal, paragraph (D)(1), or in a motion for release, paragraph (D)(2), or in an answer.

For the procedures concerning motions and answers, and the filing and service of motions and answers, see Rules 575 and 576. For the procedures following the filing of a motion, see Rule 577.

Official Note: Rule 1100 adopted June 8, 1973, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; paragraph (E) amended December 9, 1974, effective immediately; paragraph (E) re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph (C)(3)(b) excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended September 30, 1988, effective immediately; amended September 3, 1993, effective January 1, 1994; Comment revised September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 600 and amended March 1, 2000, effective April 1, 2001; Comment revised April 20, 2000, effective July 1, 2000; rescinded October 1, 2012, effective July 1, 2013. New Rule 600 adopted October 1, 2012, effective July 1, 2013.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published with the Court's Order at 23 Pa.B. 4492 (September 25, 1993).

Final Report explaining the September 13, 1995 Comment revision published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

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

Final Report explaining the April 20, 2000 Comment revision concerning *Commonwealth v. Hill* and *Commonwealth v. Cornell* published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Final Report explaining the October 1, 2012 rescission of current Rule 600 and the provisions of new Rule 600 published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

Rule 608. Motion for Judgment of Acquittal After Discharge of Jury.

* * * * *

Comment

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For the commencement of trial when the trial judge denies the motion or when the motion is denied by operation of law, see Rule [600(D)] 600(A).

Official Note: Former Rule 1125 adopted January 24, 1968, effective August 1, 1968; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; rescinded July 1, 1980, effective August 1, 1980, and not replaced. Present Rule 1125 adopted March 22, 1993, effective as to cases in which trial commences on or after January 1, 1994; renumbered Rule 608 and amended March 1, 2000, effective April 1, 2001; **Comment revised October 1, 2012, effective July 1, 2013.**

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

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

Final Report explaining the October 1, 2012 Comment revision changing the Rule 600 reference published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

FINAL REPORT¹

Rescission of Pa.R.Crim.P. 600; adoption of new Pa.R.Crim.P. 600; amendments to Pa.Rs.Crim.P. 106, 542, 543; and revisions of the Comments to Pa.Rs.Crim.P. 312, 318, 608

Prompt Trial

On October 1, 2012, effective July 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court rescinded Rule of Criminal Procedure 600; adopted new Rule of Criminal Procedure 600; amended Rules of Criminal Procedure 106, 542, and 543; and approved the revisions of the Comments to Pennsylvania Rules of Criminal Procedure 312, 318, and 608. In new Rule 600, the substantive provisions of the current rule have been reorganized and the various issues that have been addressed in the numerous Rule 600 cases since Rule 600, previously Rule 1100, was amended in 1987 have been incorporated. The amendments to the other rules are correlative to the substantive changes to Rule 600.

I. New Rule 600 and Correlative Changes

A. Introduction

The Committee, acting on the Supreme Court's referral in footnote 7 in *Commonwealth v. Solano*, 588 Pa. 716, 906 A.2d 1180 (2006), that stated:

Given the uncertainty that has arisen over the years since the drafting of the original speedy trial rule pursuant to our directive in *Hamilton*,² particularly with respect to our speedy trial rule's application to capital cases, we deem it proper to again refer the matter to our Criminal Procedural Rules Committee for further study and recommendation,

reviewed the case law that has been decided since the Court's 1987 amendment of then-Rule 1100 (now Rule 600) providing for the 365-day limit for the time for trial and the 180-day limit on pretrial incarceration without trial. The majority of the cases address three issues. As suggested by the Court in *Solano, supra.*, one area that has generated a good deal of case law has to do with the application of the rule to capital cases. Another area concerns the calculation of the time for trial, and how any delay—what is characterized in the case law as “excludable” time, “excusable” time, and “extendable” time—is attributed to the parties and court. The last area concerns the time limitations on pretrial incarceration and the intent of the nominal bail provisions.

Following an extensive review of the case law and the provisions of former Rule 600, the Committee agreed that, for the most part, the substantive provisions of the rule addressing the 365-day time for trial, the 180-day

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.
² *Commonwealth v. Hamilton*, 449 Pa. 297, 297 A.2d 127 (1972).

limit on pretrial incarceration without trial, and the remedies of release and dismissal for violation of the rule should be retained. At the same time, the Committee concluded some changes in the rule are necessary to resolve the issues that repeatedly arise in the case law. In addition, it was agreed that the provisions of former Rule 600 should be reorganized so the new rule flows in a more orderly manner.

B. Discussion

1. New Rule 600

New Rule 600 is divided into sections identified with captions. The new sections are set forth in new Rule 600 in the following order:

(1) the provisions addressing the commencement of trial and the time for trial, new Rule 600(A) (Commencement of Trial; Time for Trial);³

(2) the provisions addressing the pretrial incarceration time limits, new Rule 600(B) (Pretrial Incarceration);⁴

(3) the provisions addressing the computation of time for trial and the time limitations on pretrial incarceration, new Rule 600(C) (Computation of Time);⁵

(4) the provisions providing the remedies, new Rule 600(D) (Remedies);⁶ and

(5) the statute of limitations provision, new Rule 600(E).⁷

The Comment also would be reorganized into comparable sections with the same captions.

Paragraph (A)—Commencement of Trial; Time for Trial

As part of the reorganization of the provisions in former Rule 600, former paragraph (B), that provides:

(1) For the purpose of this rule, trial shall be deemed to commence on the date the trial judge calls the case to trial, or the defendant tenders a plea of guilty or *nolo contendere*,

has been moved without change to new paragraph (A)(1).

The five paragraphs enumerating the 365-day time for trial found in former Rule 600(A)(3), (A)(4), (D)(1), (D)(2), and (D)(3) are set out as new paragraph (A)(2)(a)—(e).⁸ The rule makes more sense with the “time for trial” provisions in former Rule 600(A)(3) and (A)(4) and the “time for a new trial” provisions in former Rule 600(D)(1), (D)(2), and (D)(3) combined in one paragraph because the “time for the trial” in all five scenarios is 365 days from a triggering event.

In addition to incorporating the five “time for trial” provisions into new paragraph (A)(2), some of the wording concerning the date used to compute the time for trial has been modified. In former Rule 600, following the initiation of proceedings, the date used for the computation of time was the date on which the complaint is filed. In all other cases under the rule, the date that was used for the computation of the time for trial was described as “the date of the order,” “the date of filing of the order;” or “the date of service of the order.” Agreeing that the rule would be clearer if the same wording is used, the Committee reviewed Rule 114 (Orders And Court Notices: Filing;

Service; And Docket Entries) noting that Rule 114 requires a docket entry of three dates: date on the order; date of receipt of the order in clerk’s office, which is the date the order is filed; and date of service of the order. The Committee concluded Rule 600 would be clearer if the terminology conforms to the provisions of Rule 114. Accordingly, except for remands from the appellate court discussed below, all references to the time that the calculation begins to run (“the date of the order,” “the date of filing of the order;” or “the date of service of the order”) have been changed to “the date the order is filed.” A cross-reference to Rule 114 has been added as the fifth paragraph of the “Commencement of Trial; Time for Trial” section of the Comment.

For remands from an appellate court, new paragraph (A)(2)(e), the Rule 600 language has been modified to conform to the language in paragraph (e) of Rule of Appellate Procedure 2572 (Time for Remand of Record). The time would run from the date of the written notice to the parties of the remand of the record. A cross-reference to Rule of Appellate Procedure 2572(e) has been added as the sixth paragraph of the “Commencement of Trial; Time for Trial” section of the Comment. In all other respects, the 365-day time provisions in former Rule 600(A)(3), (4), (B), and (D) remain the same in new Rule 600(A).

Paragraph (B)—Pretrial Incarceration

Former Rule 600(A)(2), (A)(4), and (D) established time limits on a defendant’s incarceration without a trial. As part of the reorganization of former Rule 600, the Committee agreed that the pretrial incarceration time limits in former Rule 600(A)(2), (A)(4), (D)(1), (D)(2), and (D)(3) should be set forth in one section. Accordingly, these paragraphs are set out as new paragraph (B).

The Committee discussed the pretrial incarceration time limits in the former rule. The members concluded that the 180-day time limits that apply when a complaint is filed or when a transfer order in a juvenile case is filed and the 120-day time limits that apply when a new trial is granted by a trial judge or an appellate court should be retained in the new rule. However, the members concluded there is no reason the time limit on pretrial incarceration in ARD cases should be different from the 180-day time limit when a complaint is filed. Accordingly, the 120-day time limit in ARD cases when the defendant’s participation in an ARD program has been terminated in former Rule 600 has been changed to 180 days in new paragraph (B)(3).

New paragraph (B) also includes, as the introductory clause, a provision that recognizes the line of cases that have held the pretrial incarceration time limits do not apply when a defendant is not entitled to release on bail. *See, e.g., Commonwealth v. Jones*, 899 A.2d 353 (Pa.Super. 2006). The constitutional law and case law relative to this exception are elaborated in the seventh paragraph of the “Remedies” section of the Comment.

Paragraph (C)—Computation of Time

Paragraphs (C)(1) and (C)(2)

The provisions of former Rule 600 that have generated the majority of the appellate cases construing former Rule 600 are (1) paragraph (C) that addressed the time that is to be excluded from the determination of the period for commencement of trial, and (2) paragraph (G) that addressed court and other delay that has been called “excusable” time in some cases. Because there are many causes for delay that impact the computation of the time within which trial must commence, and classification of delay continues to be addressed in the case law, how to

³ The provisions of this section are derived from former Rule 600(A) and (D).

⁴ The provisions of this section are derived from former Rule 600(A), (D), and (E).

⁵ The provisions of this section are derived from former Rule 600(C) and (G).

⁶ The provisions of this section are derived from former Rule 600(E) and (F).

⁷ The provisions of this section are the same as former Rule 600(F).

⁸ Former Rule 600(A)(1) concerning the special time for trial for those cases tried between June 30, 1973 and July 1, 1974, the 270-day time for trial provision, has been deleted as no longer necessary. For the same reason, the reference to *Commonwealth v. Palmer*, 558 A.2d 882 (Pa. Super.) 1989) in the second paragraph of the former Rule 600 Comment has been deleted.

clarify these provisions of the rule in a manner consistent with the case law that would aid the bench and bar was a challenge for the Committee. The Committee reasoned that much of the confusion about the computation of time would be eliminated with a clearer statement concerning how the time should be computed in the text of the rule and examples of causes for delay and how these are computed set forth in the Comment.

The Committee began its analysis of the computation process by conceptualizing the days that count when making the computations for the commencement of trial in terms of a calendar. When the time clock starts to run, as the case proceeds, the days on the calendar are removed. When there is a delay in the case, if the delay is caused by the Commonwealth and the Commonwealth has failed to exercise due diligence, the pages continue to come off the calendar. *See, e.g., Commonwealth v. Matis*, 551 Pa. 220, 710 A.2d 12 (1998). The pages on the calendar are not taken off during the time for all other delays in the case. In other words, as set forth in new paragraph (C)(1):

(1) For purposes of paragraph (A), periods of delay at any stage of the proceedings⁹ caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation.

The computation of time when calculating the time that a defendant has been incarcerated without a trial for Rule 600 purposes was addressed by the Supreme Court in *Commonwealth v. Dixon*, 589 Pa. 28, 907 A.2d 468 (2006). The Court held that, in computing the time of pretrial incarceration, only delay attributable to the defendant (“excludable” time) counts. The Committee incorporated this “rule” concerning the computation of the length of time of pretrial incarceration in new paragraph (C)(2) as follows:

(2) For purposes of paragraph (B), only periods of delay caused by the defendant shall be excluded from the computation of the length of time of any pretrial incarceration. Any other periods of delay shall be included in the computation.

The “Computation of Time” section in the Comment provides a lengthy discussion elaborating on the provisions in new Rule 600(C), including the process for determining how the computing is done and what to consider, with citations to several of the relevant cases concerning computation of time. This section of the Comment also includes the provisions concerning “excludable time” that previously were set forth in Rule 600(C), along with an elaboration about the other types of delay that have been addressed in case law and citations to relevant case law.

In drafting this portion of the Comment, the Committee recognized that to try to mention every case would be a daunting task and make for an unwieldy Comment. Furthermore, because the computation of the time in the case law is on a case-by-case basis, the list of scenarios from the cases to date is extensive. In view of these considerations, the Committee was selective in the cases included in this section of the Comment.

However, because of the concerns about the determination of “due diligence” in the Rule 600 context that were

⁹ “At any stage of the proceedings” was added by the Committee after publication in response to some of the publication comments that indicated some confusion about when and what type of delay would impact the Rule 600 calculations.

raised after publication of the proposal¹⁰, the new Rule 600 Comment has been revised to add a cross-reference to the language in *Commonwealth v. Selenski*, 994 A.2d 1083, 1089 (Pa. 2010) and *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 558 Pa. 238, 256, 736 A.2d 578, 588 (1999) that elaborates on what is meant by “due diligence.” The new language explains:

In determining whether the Commonwealth has exercised due diligence, the courts have explained that “due diligence is a fact-specific concept that must be determined on a case-by-case basis,” and “due diligence does not require perfect vigilance and punctilious care, but rather a showing by the Commonwealth that a reasonable effort has been put forth.” *Id.* at *Selenski* A.2d 1089 and *Hill* A.2d 588.

Some of the publication responses suggested the Committee’s elaboration in the Comment concerning (1) the use of “excusable time” in explaining types of delay, especially delay caused by courts; (2) use of Superior Court cases to support provisions of the rule; and (3) the Commonwealth’s obligations concerning delay either was incorrect or confusing. Responding to these publication responses and to make the new rule be as clear as possible, this section of the Comment has been significantly modified from the version that was published. The provisions concerning delay by the Commonwealth, the courts, and the defendant are set forth in separate paragraphs and the term “excusable” delay has been removed from the discussion. Additionally, the paragraph concerning court delay explains that court delay may or may not be excluded and cites to the relevant case law. Finally, whenever possible, Supreme Court cases are used to support a premise in the Comment.

Paragraph (C)(3)

One of the problems inherent under former Rule 600 concerns the difficulty the trial judge has reconstructing what took place during the life of the case when a Rule 600 violation has been alleged in order to comply with former Rule 600(G) and to determine if the defendant is entitled to a remedy. The Committee agreed this issue needed to be addressed in the new rule.

The members initially reasoned if the judge or issuing authority¹¹ is required at the time a continuance is granted to state on the record whether the time is includable or excludable under Rule 600, there will be fewer problems down the line with calculating the times and properly attributing any periods of delay. On reconsideration, the members of the Committee who are judges observed, and the other members agreed, that, realistically, the issuing authorities’ determination whether the delay caused by granting a continuance of a preliminary hearing is excludable or includable is not going to bind the common pleas court judge when making a Rule 600 determination. Furthermore, although having the issuing authority indicate his or her opinion about whether the delay caused by granting a continuance of a preliminary hearing is excludable or includable and to whom the delay is attributable may be helpful, ordinarily, the common pleas court judge is going to review the reasons given for the continuance and who requested the continuance in making the Rule 600 determination.

The Committee also noted that Rules 106(B) and 542(G) currently require the issuing authority to include

¹⁰ The correspondents raising these concerns opined that demonstrating that law enforcement is exercising due diligence in trying to find the defendants often is difficult because what is “due diligence” varies from court to court and judge to judge.

¹¹ The Committee uses both “judge” and “issuing authority” in paragraph (C)(3) because continuances granted at the preliminary hearing stage, which ordinarily occurs before a member of the minor judiciary, will affect the Rule 600 calculation.

on the transcript the identity of the party requesting the continuance and the reasons for granting or denying the continuance. These existing requirements in Rules 106 and 542 requiring the issuing authorities to make notations concerning the party requesting the continuance and the reasons for granting the continuance is sufficient to provide the common pleas court judge with the relevant information about the continuance for subsequent Rule 600 determinations.

In view of these considerations, new paragraph (C) has been modified from the version published. Paragraph (C)(3)(a)(i) requires, at the time a continuance is granted or denied, that the judge or issuing authority indicate on the record to which party the period of delay caused by the continuance is attributed. In addition, paragraph (C)(3)(a)(ii) requires the judge to record to which party the period of delay caused by the continuance is attributable and whether the time is included in or excluded from the computation of the time within which trial must commence.

The published version of the “Computation of Time” section of the Comment included a brief elaboration about the requirements on the judge and issuing authority with regard to continuances. After reviewing the publication responses, cross-references to Rules 106 (Continuances in Summary and Court Cases) and 542 (Preliminary Hearing; Continuances), that also are being amended to conform with the new provisions of Rule 600, have been added to make it clear that Rule 600(C)(3), Rule 106, and Rule 542(D) govern Rule 600 continuances.

The last paragraph of the “Computation of Time” section of the Comment explains that when a judge grants a continuance, the trial should be rescheduled for a date certain consistent with the continuance request and the court’s business. A citation to *Commonwealth v. Crowley*, 502 Pa. 393, 466 A.2d 1009 (1983), is included in the Comment to emphasize this proposition.

Paragraph (D)—Remedies

Former Rule 600(E) provided that “any defendant held in excess of 180 days is entitled upon petition to immediate release on nominal bail.” Former Rule 600(G) provided for the dismissal of the charges and discharge of the defendant after the expiration of 365 days if the court determines that the Commonwealth did not exercise due diligence. As part of the reorganization of Rule 600, these two sections have been moved into new paragraph (D), the “Remedies” section.

The application of the dismissal provisions in former Rule 600(G) to cases in which the defendant is not “on bail after the expiration of 365 days” has generated a great deal of confusion. This issue has now been put to rest by *Commonwealth v. Solano*, 588 Pa. 716, 906 A.2d 1180 (2006), making it clear that the Rule 600 dismissal provisions apply to all cases, not just cases in which the defendant is released on bail. The provisions in new paragraph (D)(1), that for the most part incorporate the provisions in the first two paragraphs of former Rule 600(G), reflect this holding, and a cross-reference to *Solano* has been added as the first paragraph of the “Remedies” section of the Comment.

The release provisions in former Rule 600(E) also have generated a good deal of confusion and interpretive case law. Specific issues include (1) whether the nominal bail provision is intended to apply to cases in which the defendant is not entitled to release on bail and (2) whether the nominal bail provision is subject to nonmonetary conditions of release as provided in Rule 527 (Nonmonetary Conditions of Release on Bail).

Article I, Section 14 of the Pennsylvania Constitution provides, *inter alia*, that “all prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great.” The appellate courts, as exemplified by *Commonwealth v. Jones*, 899 A.2d 353 (Pa. Super. 2006), have made it clear that when a defendant is not granted release on bail under the provisions of Article I, Section 14, the defendant also is not eligible for release under Rule 600.

The second issue concerning nonmonetary conditions of release also has been resolved in case law. In *Commonwealth v. Sloan*, 589 Pa. 15, 907 A.2d 460 (2006), the Court held that a defendant’s release on nominal bail pursuant to Rule 600 may be subject to nonmonetary conditions of release such as electronic monitoring or reporting requirements.

New paragraph (D)(2) incorporates these constructions of the nominal bail provision by clarifying in the text of the new rule that the release provisions do not apply when a defendant is not entitled to release and that nominal bail is subject to non-monetary conditions of release on bail. Some of the relevant case law and the relevant bail rules are referenced in the “Remedies” section of the Comment.

In addition to the changes to former Rule 600(E) and (G) discussed above, the provisions concerning motions in former Rule 600(G) have been modified in new paragraph (D)(1) and added to new paragraph (D)(2) to be consistent with other Criminal Rules concerning motions. The paragraph provides that any request for relief must be in the form of a written motion filed by the defendant’s attorney, or the defendant if unrepresented, with service on the attorney for the Commonwealth concurrent with filing, and requires the judge to conduct a hearing on the motion. A cross-reference to the relevant motion rules, Rules 575, 576, and 577, has been added as the last paragraph of the “Remedies” section of the Comment.¹²

A major issue raised in the publication responses concerned the part of the proposal that addressed continuances and the requirement that the judge or issuing authority make determinations concerning Rule 600 at the time of a continuance. The Committee agreed, in view of the publication responses, that new Rule 600 needed to make it clear that the decisions made by the judge or issuing authority concerning continuances pursuant to paragraphs (C)(3)(a)(i) and (C)(3)(a)(ii) are reviewable at the hearing on a motion for release on nominal bail or the motion to dismiss. This subsequent opportunity for the judge to review the earlier decision provides both sides with the opportunity to produce evidence that may not have been available at the time of the continuance request. New paragraph (D)(3) requires that any requests for review of the judge’s or issuing authority’s determinations in new paragraph (C)(3)(b) must be in the form of a written motion or answer filed pursuant to new paragraphs (D)(1) or (D)(2). This requirement is emphasized in the last paragraph of the Comment.

Another area of confusion reflected in the publication responses concerned the Committee’s suggestion that it is unnecessary to retain “with prejudice” in the text of the

¹² In addition to the motions provisions of Rule 575(A) that apply to Rule 600 challenges, the provisions for answers in Rule 575(B) also apply.

rule, and to move the “with prejudice” discussion to the Comment. The Committee explained in the published Report:

The first sentence of current paragraph (G) provides that the defendant “may apply to the court for an order dismissing the charges with prejudice.” The Committee questioned what is meant by “with prejudice” and why the term is necessary in Rule 600. The Court in *Commonwealth v. Hamilton*, 449 Pa. 297, 297 A.2d 127 (1972), was clear that it thought the dismissal had to end the case, otherwise the purpose of the rule would be emasculated. Based on this decision, the Committee does not think it is necessary to retain “with prejudice” in the text of the rule. In the alternative, we are proposing a Comment provision that explains when a case is dismissed for violation of this rule, the dismissal is “with prejudice.” The Comment also notes that the options available to the Commonwealth to challenge a dismissal are a motion for reconsideration to the trial court and an appeal to the Superior Court.

In view of the confusion and concerns about the impact of this proposed change reflected in the publication responses, the “with prejudice” language has been returned to paragraph (D)(1), and the Comment provision (second paragraph of “Remedies” section) has been retained to provide further clarification of the intent of the language.

The last post-publication issue concerning the proposed text of new Rule 600 addressed by the Committee was raised by some common pleas court judges who questioned the need for the former Rule 600(G) provisions that required:

the court to promptly prepare a report of continuances by the Commonwealth, and the reasons therefor, which prevented the case from coming to trial as required by the rule. Such report shall be certified by the president judge or administrative judge, shall be made part of the public record of the case, and shall be sent to the Court Administrator of Pennsylvania within 20 days of the order of discharge.¹³

The judges suggested that the report is unnecessary because the trial judge’s order dismissing a case based on Rule 600 contains the information that the report would contain, and because the Rule 600 data is now on the Common Pleas Case Management System (CPCMS). They also pointed out that having the president judge’s certification does not serve any purpose since the trial judge will have made a determination by way of an order of dismissal, which is of record.

In view of these judges’ comments, the Committee inquired of the AOPC about how these reports are used. We learned that the paper copies of the Rule 600(G) reports are mailed to the Philadelphia office of the AOPC. The reports are filed by the AOPC by year, but there are no other records of the reports made. Rarely, if ever, has anyone asked to look at these reports. In addition, we were advised that there are very few Rule 600(G) reports filed with AOPC. Beginning in 2006, after all the counties had come on-line with CPCMS, the data for Rule 600 dismissals in common pleas courts have been collected on CPCMS.¹⁴ Although CPCMS collects the dismissal data, it does not record the Rule 600(G) reports. In addition,

¹³ The provision requiring the report and certification was added by the Court to Rule 600 (then-Rule 1100) September 30, 1988 (Order No. 141 Criminal Procedural Rules Docket No. 2).

¹⁴ We were advised that, as with the Rule 600(G) reports filed with the AOPC, the Rule 600 dismissal information on the CPCMS rarely is requested.

when the CPCMS was designed, the system did not include a standardized Rule 600(G) form for the report, so there is no uniform form of report.

In view of the information the Committee received from the AOPC concerning the Rule 600(G) reports and the CPCMS information gathering function, and the provisions in new Rule 600 and in Rule 106 requiring that a record be made of (1) the reasons for granting or denying a continuance, (2) to whom the delay caused by the continuance is attributable, and (3) whether the time of the continuance delay is includable or excludable, the conclusion was that the provisions in former Rule 600(G) that the judges prepare reports of continuances attributable to the Commonwealth and the president judges certify the report is no longer necessary and, therefore, have been deleted from new Rule 600.

Paragraph (E)—Statute of Limitations

The provision in former Rule 600(F) that “nothing in this rule shall be construed to modify any time limit contained in any statute of limitations” has been retained without change in the new rule as new paragraph (E).

New Rule 600 Comment

Many of the explanatory provisions in the former Rule 600 Comment have been carried over into the new Rule 600 Comment. The new Comment has been reorganized to conform to the changes to the text of the new rule, including the addition of captions correlative to the captions in new Rule 600. In addition to the new provisions in the Comment discussed above, the following discussion provides a brief overview of the provisions in the new Rule 600 Comment.¹⁵

The first paragraph of the Comment elaborating on the purpose of Rule 600 as enumerated by the Court in *Hamilton* and subsequent cases has been modified and the history of Rule 600 expanded to provide more clearly the background of Rule 600.

The third paragraph of the new Comment provides a brief summary of the changes being proposed for new Rule 600. After reviewing the publication responses, to provide a clearer history of Rule 600, the Committee agreed to further clarify which provisions from former Rule 600 have been retained in the new rule and what changes have been made.

Commencement of Trial; Time for Trial

The first paragraph in the “Commencement of Trial; Time for Trial” section of the Comment explains new paragraph (A) and incorporates the provisions of the eighth paragraph of the former Rule 600 Comment, with additional citations to relevant case law.

The second paragraph in the “Commencement of Trial; Time for Trial” section of the Comment incorporates the provisions of the seventh paragraph of the former Rule 600 Comment.

The third paragraph in the “Commencement of Trial; Time for Trial” section of the Comment is new and was added in response to publication responses. The paragraph alerts the bench and bar to the Court’s holding in *Commonwealth v. Meadius*, 582 Pa. 174, 870 A.2d 802 (2005), concerning the situation in which the Commonwealth files a criminal complaint, withdraws that complaint, and files a second complaint and the calculation of the time for trial in these circumstances.

¹⁵ Provisions from the former Rule 600 Comment that have been incorporated without change into the new Rule 600 Comment have not been discussed in this overview.

Computation of Time

The reference to *Commonwealth v. Hill* and *Commonwealth v. Cornell*, 558 Pa. 238, 736 A.2d 578 (1999), in former Rule 600 has been expanded by explaining that the mere filing of a pretrial motion does not automatically render a defendant unavailable, and that a defendant would be unavailable only if the delay in commencement of trial is caused by filing a pretrial motion.

2. Rules 106 and 542: Correlative Amendments

Correlative to the provisions in new Rule 600 with regard to continuances, Rules 106 (Continuances in Summary and Court Cases) and 542 (Preliminary Hearing; Continuances) have been amended to include the requirement that the judge or issuing authority make a record of to which party the period of delay caused by the continuance is attributed, and to require the judge to indicate whether the time is included or excluded from the Rule 600 computation of time. To accomplish this in Rule 106, the procedures for the issuing authority and for the common pleas court judges in current paragraph (B) have been divided into separate paragraphs. Paragraph (B) continues to provide the procedures for the issuing authorities to follow. New paragraph (C) incorporates the provisions from paragraph (B) concerning common pleas judges and provides the additional procedures for the common pleas court judges concerning recording to whom the period of delay caused by the continuance is to be attributed and whether the time is includable or excludable.

Rule 542(G)(1) is amended by the addition of the requirement that when the preliminary hearing is conducted in the court of common pleas, the judge is required to record the party to whom the period of delay caused by the continuance is attributed and whether the delay is excludable or includable.

3. ARD: Correlative Changes

The former Rule 600 Comment includes the following two paragraphs concerning ARD:

Although a defendant's removal from the ARD program does not result in a "new trial" under paragraph (D)(3), termination of the defendant's ARD program pursuant to Rule 318 commences a new trial period for the purpose of this rule.

In addition to requesting that the defendant waive Rule 600 for the period of enrollment in the ARD program (see Rule 312, paragraph (3)), the attorney for the Commonwealth may request that the defendant waive Rule 600 for the period of time spent in processing and considering the defendant's inclusion into the ARD program.

The first paragraph is no longer necessary given the specific ARD provisions in new paragraphs (A)(2)(c) and (B)(3) of new Rule 600. Accordingly, this paragraph has been deleted from the Comment.

In addition, the second paragraph more appropriately belongs in the ARD rules. Accordingly, this paragraph has been moved to the Rule 312 Comment. The Rule 318 Comment has been revised to change the reference to Rule 600 to conform to the new organization of Rule 600.

II. Rules 106 and 542: Additional Changes

In addition to the changes made to Rules 106 and 542 that are correlative to the Rule 600 proposal, additional changes have been made to these rules.

The Committee, as part of its ongoing review of case law, considered Superior Court Judge Popovich's suggestion in *Commonwealth v. Panto*, 913 A.2d 292 (Pa. Super. 2006), that Rule 106 include a requirement that the notice of the continuance set forth the date, time, and place of the continued proceeding. Judge Popovich remarks in footnote 5 of *Commonwealth v. Panto* at 297:

The Criminal Procedural Rules Committee may want to examine the disparity between the notice required for a preliminary hearing (listing the place, date and time a defendant is to appear before the issuing authority, see Pa.R.Crim.P. 510(A), 512), the notice granting a continuance of a preliminary hearing (listing the new date and time, with notice provided to the defendant, see Pa.R.Crim.P. 542(D)(2)(a), (b)), and the notice of the grant of a continuance in the case at bar, which "Application for Continuance" form merely made provision for listing the new date without any mention of the concomitant time and/or place for the trial *de novo*. Provision for inclusion of these temporal and physical elements could be in the form of amendments to Pa.R.Crim.P. 106 ("Continuances in Summary and Court Cases"). This would provide the party's attorney or, if unrepresented, the party with sufficient notice of the date, time and place of the continuance with a cross-reference to Pa.R.Crim.P. 114 regarding the methodology by which notice is to be served upon the parties.

The Committee agreed a uniform requirement for all continuance notices concerning the information about the rescheduled proceeding makes sense. Accordingly, Rule 106 has been amended by the addition of a new paragraph (E) that requires, when a continuance is granted, the notice of the continuance must include the new date, time, and location of the proceeding. A conforming amendment to Rule 542(G)(2) adds "place" to the information contained in the notice of continuance of the preliminary hearing.

The manner of service of continuance notices also is addressed in Rule 106. This change is intended to avoid the type of issues that arose in the *Panto* case. To accomplish this, new paragraph (E) includes the requirement that the notice of the continuance is to be served on the parties as provided in the rules. A cross-reference to Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries) has been added in the Rule 106 Comment to emphasize that the provisions of Rule 114 govern the method of service of the continuance notices. Because Rule 542(E)(2)(b) and (c) provide the method of service of the notice of the continuance of the preliminary hearing that are different from the provisions in Rule 114, the Rule 106 Comment includes a cross-reference to the service provisions in Rule 542(E).

Finally, because the intent is that Rule 106 applies to continuances in all criminal proceedings, which is not clear in Rule 106 in view of the use of the word "trial" in paragraph (D), "trial" has been changed to "proceeding" in paragraph (D).

[Pa.B. Doc. No. 12-2025. Filed for public inspection October 19, 2012, 9:00 a.m.]

[234 PA. CODE CH. 8]

Order Amending Rules 800 and 801 of the Rules of Criminal Procedure; No. 418 Criminal Procedure Rules Doc.

Order

Per Curiam

And Now, this 1st day of October, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Criminal Procedure 800 and 801 are amended in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 8. SPECIAL RULES FOR CASES IN WHICH DEATH SENTENCE IS AUTHORIZED

Rule 800. Applicability of Subchapter.

[The] Except as provided in Rule 801, the rules of this chapter shall apply to the guilt and penalty determination phases of all cases in which the imposition of a sentence of death is authorized by law.

Comment

* * * * *

When a jury is empaneled for the first time for sentencing, or for resentencing, the jury trial rules (Chapter [600] 6) apply. See, for example, Rule 631 (Examination and Challenges of Trial Jurors).

This chapter does not provide procedures for those cases in which the Supreme Court vacates a sentence of death and remands the case to the trial court for the imposition of a life imprisonment sentence. See 42 Pa.C.S. § 9711(h)(4).

For post-verdict procedures in cases in which a sentence of death is authorized by law, see Rule [809] 811.

Official Note: Previous Rule 351 adopted September 22, 1976, effective November 1, 1976; rescinded April 2, 1978, effective immediately. Present Rule 351 adopted July 1, 1985, effective August 1, 1985; Comment revised February 1, 1989, effective July 1, 1989; amended October 29, 1990, effective January 1, 1991; renumbered Rule 800 and amended March 1, 2000, effective April 1, 2001; **amended October 1, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

* * * * *

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

Final Report explaining the October 1, 2012 amendments clarifying the application of the Chapter to Rule 801 published with the Court's Order at 42 Pa.B. 6635 (October 20, 2012).

Rule 801. Qualifications for Defense Counsel in Capital Cases.

In all cases in which the district attorney has filed a Notice of Aggravating Circumstances pursuant to Rule 802, before an attorney may participate in **any stage of** the case either as retained or appointed counsel, the attorney must meet the educational and experiential criteria set forth in this rule.

* * * * *

Official Note: Adopted June 4, 2004, effective November 1, 2004; amended April 13, 2007, effective immediately; **amended October 1, 2012, effective November 1, 2012.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 1, 2012 changes to the first paragraph published with the Court's Order at 42 Pa.B. 6635 (October 20, 2012).

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 800 and 801

Scope of Chapter 8 of Rules of Criminal Procedure

On October 1, 2012, effective November 1, 2012, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.R.Crim.P. 800 (Applicability of Subchapter) and Pa.R.Crim.P. 801 (Qualifications for Defense Counsel in Capital Cases) to clarify the scope of Chapter 8 of the Rules of Criminal Procedure.

The Committee reviewed the scope of Chapter 8 in response to an inquiry that suggested an apparent conflict between Rule 800 and Rule 801 with regard to the scope of Chapter 8. Rule 800 provides that the rules in Chapter 8 apply to the guilt and penalty determination phases of a capital case. Rule 801, as explained in that rule's Comment, applies to all stages of a capital case—pretrial, trial, post-conviction, and appeal. Although the Committee is not aware of any cases in which this conflict has been an issue, the members, believing it would be prudent, as well as helpful to the bench and bar, if the difference in the scope of these two rules was clarified, recommended clarifying changes to the Court.

Rule 800 has been amended to acknowledge that Rule 801 is an exception to the limited scope of Chapter 8. Rule 801 has been amended to add to the text of the rule that it applies to all stages of a case.

[Pa.B. Doc. No. 12-2026. Filed for public inspection October 19, 2012, 9:00 a.m.]

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

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Fees for Alcohol Highway Safety School, Accelerated Rehabilitative Disposition and Court Reporting Network Evaluation; AO No. AO-16-2012; No. 10-13-MD-2012

Administrative Order

And Now, this 3rd day of October, 2012, *It Is Hereby Ordered* that a \$250.00 fee shall be assessed for Alcohol Highway Safety School (AHSS). The Court Reporting Network (CRN) evaluation fee shall be \$75.00.

It Is Further Ordered that a \$25.00 fee shall be assessed for rescheduling a CRN appointment or AHSS class. The fee must be paid in advance of re-admittance to the appointment or class.

All Accelerated Rehabilitative Disposition (ARD) applicant fees must be paid in full prior to ARD orientation.

The provisions of this order supersede all prior orders on this subject and shall be effective January 1, 2013.

By the Court

TODD A. HOOVER,
President Judge

[Pa.B. Doc. No. 12-2027. Filed for public inspection October 19, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-2012-2294746]

Establishing a Uniform Definition and Metrics for Unaccounted-for-Gas

The Pennsylvania Public Utility Commission, on June 7, 2012, adopted a proposed rulemaking order which establishes a uniform definition of "UFG" and metrics for UFG.

Executive Summary

The Public Utility Commission's (PUC) Bureau of Investigation and Enforcement and Bureau of Audits generated a joint report entitled "UNACCOUNTED-FOR-GAS (UFG) in the Commonwealth of Pennsylvania" dated February 2012. The report identified the following general findings: natural gas distribution companies (NGDC) often report UFG based upon their own definition, which varies from company to company resulting in inconsistent reporting; the lack of a standard definition of UFG may tempt NGDCs to trivialize the importance of minimizing the volume of UFG; the PUC should consider establishing a clear definition of UFG to eliminate any inconsistencies that may currently exist; and the PUC should consider establishing specific metrics to establish and transition to an acceptable level of UFG. As a result of the report, a cross disciplinary team was established to explore proposed regulations and was formed by members of the following Bureaus: Law Bureau, Office of Special Assistants, Audits, and Technical Utility Services. The team also met with industry representatives comprised of the Energy Association of Pennsylvania and several company representatives, to further refine the proposed regulation.

On June 7, 2012, the PUC issued a proposed regulation based on the joint report and input from industry representatives. The proposed regulation, which is directed at NGDCs, is drafted to create a consistent definition for UFG and a cap metric for maximum allowable recovery of UFG. Specifically, the proposed rulemaking aims to establish a uniform definition and methodology for the calculation and reporting of UFG within Pennsylvania. In addition, the proposed rulemaking proposes a maximum allowed recovery for UFG with year one allowing 5% of distribution losses; year two at 4.5%; year three at 4%; year four at 3.5%; and year five at 3%.

Public Meeting held
June 7, 2012

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

Establishing a Uniform Definition and Metrics for Unaccounted-for-Gas; Doc. No. L-2012-2294746

Proposed Rulemaking Order

By the Commission:

Customers of natural gas distribution companies (NGDCs) in Pennsylvania pay for the costs of unaccounted for gas (UFG) through various proceedings that allow for the collection of those costs. In general, UFG is the difference between the amount of gas delivered to the NGDC and that used or sold by the NGDC's customers.

The accurate calculation of the cost this gas is of great concern to the Pennsylvania Public Utility Commission (PUC or Commission). Currently, the PUC's regulations lack a definition for UFG, and, as a result, the Commission gets information on UFG based upon individual companies' definition of that term. Due to the lack of consistency in this information, current reported levels of UFG are not comparable and hinder the Commission's ability to effectively monitor UFG levels and their corresponding financial burden to ratepayers.

Accordingly, the Commission has determined that it is important that all UFG be treated in a uniform manner. This uniformity requires a standard definition that has been lacking and a standard set of metrics that will serve as a bright line for the recovery and non-recovery of these costs. With these changes, annual reports will now mandate accurate and uniform UFG reporting.

To that end, we propose to adopt the Staff's recommendation and establish a uniform definition of UFG and metrics for UFG. Therefore, in accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501(b), the Commission is formally commencing its rulemaking process to establish regulations regarding UFG reporting requirements, standards and maximum limits at 52 Pa. Code § 59.111 pursuant to the proposed language in Annex A.

Statement of Scope and Purpose

The regulations in Annex A are being proposed to create a consistent definition for UFG within Pennsylvania and will apply to any filing made by NGDCs to the Commission. In addition, a UFG metric is being established to set the maximum level of financial recovery of UFG for NGDCs. The addition of a UFG definition and metric for cost recovery purposes should not be construed to supersede the Commission's ability and obligation to ensure safety, in particular the powers enumerated in the Public Utility Code at Sections 331, 501, 1501 and 1504 (66 Pa.C.S. §§ 331, 501, 1501, and 1504) or the Commission's partnership with the federal government and enforcement powers governed by 49 U.S.C. § 601 and 49 C.F.R. §§ 190—193 and 199.

The Commission views the adoption of this definition to be a potential addition to its safety efforts in conjunction with those tools. It intends to use these new standardized reports as the basis for future action in the safety area. Additionally, the Commission may also require NGDCs to file plans or perform additional remediation in conjunction with a rate proceeding or similar settlement if the NGDC's level of UFG is worsening, even if the NGDC's level of UFG is below the metric established in Annex A.

Background

NGDCs are required to report their level of UFG in at least three separate filings with the Commission.¹ Generally, within Pennsylvania, UFG is the difference between the amount of gas delivered to the NGDC and that which is sold to/used by the NGDC's customers. However, the definition varies widely between companies and there is little case law within Pennsylvania defining UFG. The level and cost of UFG can be excluded or adjusted within formal rate proceedings if the Commission deems the level filed by the utility to be "excessive." The inconsis-

¹ Schedule 505 (Gas Account-Natural Gas) of the Gas Annual Report is required by 66 Pa.C.S. § 504, GCR and PGC filings are required by 66 Pa.C.S. § 1307(e) and (f), Department of Transportation (USDOT) Pipeline and Hazardous Material Safety Administration (PHMSA) Form 7100.1-1 is provided to states according to 49 U.S.C. § 60105. These requirements are discussed below.

tency in definition and lack of focus on UFG has hindered the Commission's ability to effectively monitor and compare UFG levels and its corresponding financial burden on ratepayers.

In February 2012, the Commission's Bureau of Investigation and Enforcement (BI&E) and the Bureau of Audits (Audits) internally released a report to the Commission entitled "UNACCOUNTED-FOR-GAS In the Commonwealth of Pennsylvania" (Report). A copy of this Report is available on the Commission's web site.

In the Report, Staff found that NGDCs often report UFG based upon their own definition, which varies from company to company, resulting in inconsistent reporting. See Report, p. 6. Also, the lack of a standard definition of UFG may tempt NGDCs to trivialize the importance of minimizing the volume of UFG. *Id.* at 7. In addition, the Report identifies and attempts to summarize the financial impact on Pennsylvania ratepayers related to UFG. *Id.* at 12. The Report recommends that the Commission consider establishing a clear definition of UFG to eliminate any reporting inconsistencies that may currently exist. *Id.* at 12. It also suggests that the Commission consider establishing specific metrics to identify and transition to an acceptable level of UFG, as well as consider creating a cap for NGDC cost recovery. *Id.* at 13.

Discussion

As explained above, the term "unaccounted for gas" is used in one form or another throughout the Commission and by NGDCs in a variety of rate proceedings, filings, reviews, and documents. In fact, UFG is reported to the Commission in at least three regularly required filings:

- Schedule 505 of the Gas Annual Report;
- 66 Pa.C.S. § 1307(f) filings through which Purchased Gas Cost (PGC) filings and Gas Cost Rate filings (GCR) are made; and
- U.S. Department of Transportation (USDOT) Pipeline and Hazardous Material Safety Administration (PHMSA) Form 7100.1-1 (USDOT Report).

Gas utilities submit Schedule 505 to the Commission as part of their Annual Report,² encompassing data from January 1 to December 31. A review of Schedule 505 indicates that there are three main components and various subcomponents to gas accounting, which include gas received, gas delivered, and UFG. Schedule 505 specifically states, "The purpose of this schedule is to account for the quantity of natural gas received and delivered by the respondent adjusted for any differences in pressure bases used in measuring a thousand cubic feet (MCF) of natural gas received and delivered." Given this statement, UFG can be simply defined as the difference between total gas received and the sum of total gas delivered and company use within a gas system for a calendar year. In addition, NGDCs are allowed to adjust for temperature or pressure variations on measured results. To make an effective analysis of UFG, the Annual Reports will now include accurate reporting of UFG as defined by the proposed regulation. Further the Commission will develop a template for the reporting of UFG as part of that Annual Report to maintain consistency.

Although GCR and PGC filings are separate and distinct mechanisms, they both approach UFG similarly. UFG is defined for PGC and GCR filings in 66 Pa.C.S. § 1307(h):

As used in this section, the terms "natural gas costs" and "gas costs" include the direct costs paid by a

² See http://www.puc.state.pa.us/filing_resources/online_forms/natural_gas_online_forms.aspx (2011 Natural Gas Distribution Annual Report Form)

natural gas distribution company for the purchase and the delivery of natural gas to its system in order to supply its customers. Such costs may include costs paid under agreements to purchase natural gas from sellers; costs paid for transporting natural gas to its system; costs paid for natural gas storage service from others, including the costs of injecting and withdrawing natural gas from storage; all charges, fees, taxes and rates paid in connection with such purchases, pipeline gathering, storage and transportation; and costs paid for employing futures, options and other risk management tools. "Natural gas" and "gas" include natural gas, liquefied natural gas, synthetic natural gas and any natural gas substitutes.

Under this provision, UFG is generally considered a cost of service and is included as a component of the cost of gas established in § 1307 Gas Cost proceedings.

UFG is reported to the Commission pursuant to 52 Pa. Code § 59.81—84 by Form-IRP³-Gas 1A Annual Gas Demand Requirements. Since our regulations do not provide a definition for UFG, the § 1307(f) NGDCs provide this data in their annual PGC filings based upon each company's unique definition of UFG. See Report, p. 6. For GCR companies, UFG is computed by Audits from company data presented in their annual GCR filings. The GCR companies file supporting data from either September to August or November to October. *Id.* at 2. In contrast, PGC companies file pursuant to a schedule filed in the *Pennsylvania Bulletin*.⁴ Based on each company's filing, Audits, BI&E, or interveners can propose adjustments to the gas cost rates if the level of UFG is considered "excessive." *Id.*

USDOT Reports are required by regulation at 49 C.F.R. § 191 and duplicate reports are provided to state agencies under 49 U.S.C. § 60105. The Commission's Gas Safety Division and Audits use this data to assess company performance. See Report, p. 3. In the Gas Distribution System Instructions for Completing Form PHMSA⁵ F7100.1-1 Part G- Percent of Unaccounted for Gas, USDOT provides the following definition and calculation for UFG:

"Unaccounted for gas" is gas lost; that is, gas that the distribution system operator cannot account for as usage or through appropriate adjustments. Adjustments are appropriately made for factors as variations in temperature, pressure, meter-reading cycles, or heat content; calculable losses from construction, purging, line breaks, etc., where specific data are available to allow reasonable calculation or estimate; or other similar factors.

State the amount of unaccounted for gas as a percent of total input for the 12 months ending June 30 of the reporting year.

[(Purchased gas + produced gas) minus (customer use + company use + appropriate adjustments)] divided by (purchased gas + produced gas) equals percent unaccounted for.

Do not report "gained" gas. If a net gain of gas is indicated by the calculations, report "0%" here. (Decimal or fractional percentages may be entered).⁶

As stated above, the directions define the time period as being the "12 months ending June 30 of the reporting

³ 52 Pa. Code § 59.81 discusses the requirements associated with a NGDCs Integrated Resource Planning Report or IRP. § 59.82 discusses the Annual Conservation Report; § 59.83 discusses Evaluating Methodologies; and § 59.84 discusses Formats.

⁴ See Pa.B. 4603, Saturday, August 20, 2011, for the 2012 schedule of § 1307(f) NGDC filing dates.

⁵ U.S. DOT Pipeline and Hazardous Materials Safety Administration (PHMSA).

⁶ See <http://www.phmsa.dot.gov/pipeline/library/forms>.

year.” In addition, the USDOT Report only applies to distribution systems. PHMSA has a separate UFG report for transmission, production/gathering, and/or storage losses.

The lack of an actual UFG definition provides an inconsistent and often incomparable metric. All three reports can include different types of facilities (i.e., distribution, transmission, storage, and production/gathering). Schedule 505 is unclear whether UFG should include production/gathering, storage, and interstate transmission losses. See Report, pp. 6-7. A review of the 2010 Annual Report of the ten 1307(f) companies reveals that different companies report and/or track different types of UFG. Id. at 7.

The inconsistency among definitions has also introduced errors within reported UFG levels. See Report, pp. 8-9. As presented in Table 1 and the discussion on GCR companies below, various NGDCs have reported negative UFG. Since a closed system cannot spontaneously generate gas, the negative UFG suggests a flaw in the measurement, calculation or definition of UFG. Id. at 9. There may be conditions leading to UFG (as presented in the GCR Company’s comments within GCR Filings discussed below), which are often argued by utilities through timing of bills, and meter inaccuracies, for example.

However, a consistent definition for UFG would eliminate the potential for these errors leading to a net negative UFG level.

Many of the GCR companies file little or no UFG. In fact, eight out of twelve GCR companies⁷ file zero or negative UFG in their GCR filings.⁸ These low UFG numbers are not an indication of the distribution system operations, but rather are due to metering. Specifically, these eight companies are not metering their source (gas produced) and, therefore, their losses are absorbed by their production affiliates. Although ratepayers may currently benefit from this relationship, the Commission has no relevant UFG information about these GCR distribution systems. We wish to make it clear that, as part of this proceeding, we will not require these GCR companies to install meters necessary to fully track UFG at this time. Nonetheless, this is an option that will require additional study and could be implemented sometime in the future. A consistent definition of UFG may not correct the practice of allowing production affiliates to absorb these losses, but it should help highlight the importance of tracking UFG due to the Commission’s refined and consistent approach to UFG.

⁷ Andreassi, Chartiers, Herman Oil & Gas., Herman Riemer, Orwell, Sergeant, Sigel, and Wally all report zero or negative UFG in their GCR Filings.

⁸ Analysis taken from data provided to the Commission in the 2009, 2010, and 2011 GCR filing by GCR companies.

Table 1
Unaccounted For Gas Levels for PGC Companies

Year	Columbia			Dominion ⁴⁻¹			Equitable		
	Annual Report	1307(f) Filing	USDOT Report	Annual Report	1307(f) Filing	USDOT Report	Annual Report	1307(f) Filing	USDOT Report
2005	1.11%	1.90%	1.88%	5.12%	3.48%	2.68%	10.23%	9.95%	5.10%
2006	0.06%	1.90%	1.88%	5.91%	4.32%	3.46%	11.91%	7.31%	7.60%
2007	-0.05%	1.30%	1.30%	9.01%	5.09%	3.94%	9.32%	6.95%	5.40%
2008	-0.66%	1.60%	1.30%	6.39%	4.90%	4.32%	10.01%	7.34%	7.60%
2009	-0.23%	1.90%	1.90%	4.55%	5.99%	3.20%	5.01%	7.00%	5.00%
2010	0.06%	2.00%	2.00%	6.13%	5.42%	2.85%	4.18%	5.18%	5.40%
	NFG			PECO			PGW		
2005	0.31%	2.50%	0.67%	2.84%	2.40%	2.40%	3.40%	3.90%	2.80%
2006	-1.52%	2.50%	0.42%	2.10%	2.90%	2.90%	1.89%	4.00%	2.00%
2007	0.02%	2.50%	0.42%	3.71%	3.60%	3.60%	7.56%	4.10%	2.80%
2008	-0.52%	0.36%	0.41%	4.49%	4.20%	3.58%	2.52%	3.90%	2.80%
2009	-0.42%	0.44%	0.31%	2.98%	4.30%	4.21%	2.91%	3.80%	2.20%
2010	1.90%	0.44%	0.00%	2.80%	4.40%	4.44%	5.90%	3.70%	2.20%
	TW Phillips			UGI Utilities			UGI—Penn Natural Gas		
2005	4.57%	4.57%	4.59%	-0.40%	-0.20%	0.20%	0.25%	0.45%	0.40%
2006	4.11%	4.11%	4.21%	0.42%	0.50%	0.20%	-1.03%	0.57%	0.40%
2007	4.25%	4.25%	4.16%	0.60%	0.70%	0.50%	-0.30%	0.55%	0.50%
2008	3.74%	4.34%	3.15%	0.38%	0.73%	0.70%	0.70%	0.59%	0.68%
2009	5.40%	5.10%	5.10%	0.47%	0.51%	0.50%	0.91%	1.11%	1.08%
2010	4.11%	3.80%	3.90%	0.23%	0.40%	0.16%	0.45%	0.50%	0.53%

4-1. Calculated Annual Report value, based on financial accounting entries that do not represent the actual calendar-month physical volumes received and delivered by the Company.

Note: UGI—Central Penn Gas is not included due to the 2008 acquisition from PPL Gas.

Source: Annual Reports, USDOT Annual Reports for year ended June 30 and 1307(f) data provided to the Commission from the utilities.

Table 2
Unaccounted For Gas Levels for GCR Companies

Company	2009			2010		
	Annual Report	GCR	USDOT Report	Annual Report	GCR	USDOT Report
North East Heat and Light	1.25%	1.25%	1.62%	0.53%	0.53%	1%
Pine-Roe Natural Gas	N/A	8.50%	N/A	N/A	6.60%	N/A
Pike County Power & Light	-0.11%	-1.00%	0.10%	0.05%	-0.50%	0.80%
Valley Energy	-0.88%	-0.88%	2.40%	-1.76%	-1.76%	1.75%

Source: Annual Reports, USDOT Annual Reports for year ended June 30 and GCR data provided to the Commission from the utilities.

The Commission has established benchmarks for certain utility services in order to aid in determining prudent, reliable and/or safe utility service. The Commission has already established Electric Reliability Standards at 52 Pa. Code § 57.191, Telephone Quality Service Standards at 52 Pa. Code § 63.51, and a standard for excessive amounts of unaccounted-for-water at 52 Pa. Code § 65.20(4). A consistent definition of UFG would provide the Commission with the framework to review and compare UFG within Pennsylvania. Additionally, a UFG metric for 1307 cost recovery based upon a consistent definition has the potential to provide a meaningful and beneficial mechanism to track and quantify the impact of UFG upon Pennsylvania ratepayers. See Report, p. 10.

The total financial impact of UFG is estimated to be \$25.5 million to \$131.5 million per year. See Report, p. 10. However, the exact impact of UFG within Pennsylvania and on its ratepayers is currently unknown due to the lack of a consistent definition. *Id.* at 9. Ultimately, the metric and disallowance for any “excess” loss above the proposed standard would shift the financial burden of any “excess lost gas” from the ratepayer to the utility. Therefore, the continued focus and potential financial impact of UFG could drive a reduction or retain UFG levels below the metric within Pennsylvania. *Id.* at 11-12. Ultimately, the Commission will have the ability to effectively monitor, enforce, and review UFG levels. *Id.* at 10-12.

The proposed rulemaking is in general support of various other regulations and orders before the Commission and the USDOT’s PHMSA. Pursuant to 74 FR § 63906,⁹ the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, NGDCs must develop and implement a distribution integrity management program (DIMP). Within each company’s DIMP, the NGDC must identify and reduce risks which would include high levels of UFG resulting from breaks or leaks. Therefore, a metric for UFG should position the Commission’s efforts with PHMSA’s direction to minimize risks within distribution systems. See Report, p. 11. In addition, Commission orders at Docket No. M-2011-2271982 (entered on November 10, 2011, December 1, 2011 and December 22, 2011) aim to improve the safety of the NGDCs through enhanced frost patrols and replacement of high risk pipelines (i.e., bare steel and cast iron). The proposed definition and metric for UFG aligns with the Commission’s efforts to improve safety in natural gas pipelines. As NGDCs enhance their frost patrols and replace high risk pipe with more contemporary materials, their respective levels of UFG should decrease.

⁹ Final Rule Integrity Management Program for Gas Distribution Pipelines. Effective—February 2, 2010.

Proposed Rulemaking

Section 59.111(a).

The terms used within the UFG calculation are fully defined in this section. More specifically, UFG is defined as the calculation for all lost gas and is derived from the difference in gas received and the accumulation of gas delivered and adjustments. All gas considered received, delivered or adjustments made shall be based upon metered data or sound engineering practices.

Section 59.111(b).

The proposed UFG calculation is based on the USDOT Report calculation and is generally aligned with current NGDC definitions of UFG. Since the Commission has jurisdiction over public utility gathering, transmission (pursuant to 52 Pa Code § 59.31(a)), distribution and storage, losses from all aspects of operating an NGDC should be recorded and reported within a company’s filings. This is highlighted within proposed Sections 59.111(b)(3) and 59.111(b)(5). Losses for each system should be calculated to the extent possible with actual gas volumes or if unattainable, through supported, transparent and consistent estimation calculations.

Section 59.111(c).

A declining distribution metric was proposed to align the UFG metric with PHMSA’s DIMP, the Commission’s December 2011 Order at Docket No. M-2011-2271982 and other efforts within the gas industry. A starting point of 5% UFG was established based upon reported utility performance within the PGC, GCR, Annual Report and USDOT Report filings. All but two PGC companies (out of 9 presented)¹⁰ and one GCR company (out of 12)¹¹ reported UFG levels below 5% in 2010 on their PGC or GCR filings. Therefore, the starting point for the metric is set at the worst performing levels within Pennsylvania. The end point of 3% was also established based upon current levels of UFG filed with the Commission. Only four PGC companies and none of the GCR companies reported UFG levels above the 3% final threshold in their respective 2010 Annual Reports (or three PGC companies and no GCR Companies filed above 3% in the 2010 USDOT Report). It should also be noted that the UFG data provided in the Annual Reports includes losses from non-distribution related facilities. Therefore, the UFG levels provided in the Annual Report would likely be

¹⁰ One of the PGC companies was excluded due to a recent acquisition; however, this Company’s UFG was below 5% and has since improved.

¹¹ Although the Commission does not have any information on the actual level of UFG at most GCR companies, it should be noted that the metric will not have any financial impact on these companies. Because the Companies already absorb (through a production affiliate) the costs of any lost gas, this metric would not change this financial burden, instead it only changes the maximum amount GCR companies could recover if or when they include UFG levels in their GCR filing.

higher than the company's level of distribution UFG. Ultimately, a majority of NGDCs are already performing below the final proposed level of 3% and improvements are being made that should help drive UFG downward. Therefore, the final distribution metric of 3% appears to be an obtainable level for NGDCs that is fiscally responsible for Pennsylvania and ratepayers. Notably, Companies with UFG levels below the metrics are expected to maintain or improve their UFG levels and, if increasing, must provide a specific rationale in an appropriate filing and/or proceeding to explain why their UFG is increasing and why it is in the public interest to pass the additional UFG cost to ratepayers.

Due to the fact that an inconsistent definition of UFG can raise doubt on the factual levels of UFG within Pennsylvania, we propose that the distribution metric should be implemented one year after the proposed definition is adopted. This time delay should afford all NGDCs the ability to test any changes to their reported UFG based upon the proposed definition through the regulatory review process and implementation, effectively affording approximately three years until the 5% takes effect. Since the NGDCs 1307(f) filing dates are inconsistent between the companies, the metric shall be based upon a consistent calendar year basis as stated by § 59.111(c)(2). This information is already required to be filed to the Commission through the Annual Report.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 4, 2012, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Conclusion

The proposed regulations issued for comment by this Order represent the first step in establishing a consistent definition and metric for UFG for all jurisdictional NGDCs. This step is necessary to enhance the Commission's ability to monitor and compare UFG levels and their corresponding financial burden to Pennsylvania ratepayers. The Commission, therefore, formally commences its rulemaking process to amend its existing regulations by establishing 52 Pa. Code § 59.111 consistent with Annex A to this Order.

Accordingly, pursuant to Sections 501, 504, 523, 1301, 1501, and 1504, and Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1301, 1501, and 1504, and Sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P.S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; Section 204(b) of the Commonwealth Attorneys Act, 71 P.S. § 732.204(b); Section 745.5 of the Regulatory Review Act,

71 P.S. § 745.5; and Section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations as set forth in Annex A; Therefore,

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.

2. The Secretary shall submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this proposed rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this proposed rulemaking order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of any written comments referencing the Docket Number L-2012-2294746 be submitted within 30 days and reply comments within 45 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265 and comments and reply comments shall be electronically mailed, in Word format, to Nathan Paul at npaul@pa.gov. Attachments may not exceed three megabytes.

6. A copy of this proposed rulemaking order and Annex A shall be served on the Bureau of Audits, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and all jurisdictional Natural Gas Distribution Companies.

7. The contact person for legal matters for this proposed rulemaking is Lawrence F. Barth, Assistant Counsel, Law Bureau, (717) 787-5000. The contact person for technical matters for this proposed rulemaking is Nathan Paul, Bureau of Audits, (717) 214-8249. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-289. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 59. GAS SERVICE

UNACCOUNTED-FOR-GAS

§ 59.111. Unaccounted-for-gas.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the text clearly indicates otherwise:

Adjustments—Gas used by an NGDC or city natural gas distribution operation for safe and reliable service, such as company use, calculable losses from construction, purging, other temperature and pressure adjustments, and adjustments for heat content of natural gas. Adjustments must be supported by metered data, sound engi-

neering practices or other quantifiable results that clearly support the utility’s need for the adjustment. Adjustments must be consistent from filing to filing.

Gas delivered—Gas provided by the distribution, transmission, storage or production/gathering facilities of an NGDC or city natural gas distribution operation, regardless of use, adjusted for temperature or pressure variations. This category includes quantities of gas consumed by an end user, exchange gas supplied to another utility, gas delivered to transportation customers or other gas delivered to a user other than the utility. When bill timing issues arise, an effort shall be made to reasonably estimate consumption.

Gas received—Gas that is supplied to the distribution, transmission, storage or production/gathering facilities of an NGDC or city natural gas distribution operation, regardless of use, adjusted for temperature or pressure variations. This category includes gas for sales, storage, transportation quantities, exchange gas received or other quantity of gas that otherwise enters the utility’s facilities.

NGDC—Natural gas distribution company.

UFG—Unaccounted-for-gas—The calculation for gas lost by the system, including gas lost due to breaks, leaks, theft of service, unmetered consumption, meter inaccuracies or other point of lost, unidentifiable or nonrevenue producing gas.

(b) *Calculation.*

(1) $UFG_x = \text{Gas Received}_x - \text{Gas Delivered}_x - \text{Adjustments}_x$

(2) $\%UFG_x = (UFG_x) / (\text{Gas Received}) * 100$

(3) X denotes the system type (distribution, transmission, storage or production/gathering). When possible, UFG must be computed and reported by system type.

(4) Gas received, gas delivered and adjustments must represent actual gas quantities. Estimates may be pro-

vided but must be clearly identified and have supporting justification, assumptions and calculations.

(5) Adjustments must be individually identified by category (that is, company use, calculable losses from construction, purging, other temperature and pressure adjustments, and adjustments for heat content of natural gas).

(6) The definition of “UFG” in subsection (a) and the calculation under this subsection apply to UFG filed with the Commission.

(c) *Metrics for distribution system losses.*

(1) Each NGDC and city natural gas distribution operation shall, at a minimum, reduce distribution system loss performance in accordance with the metrics in the following table beginning with its first subsequent Purchased Gas Cost (PGC) or Gas Cost Rate (GCR) filing after _____ (*Editor’s Note:* The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.). The metric starts with 5% in the first year and decreases by 0.5% every year in the subsequent years until it reaches 3% as shown in the following table:

Year	Percent UFG
1	5.00%
2	4.50%
3	4.00%
4	3.50%
5	3.00%

(2) The distribution metrics shall be applied on an annual basis for the year ending December 31.

(3) Amounts of UFG in excess of the standard may not be recovered within the current or a future PGC or GCR filing unless approved by the Commission.

[Pa.B. Doc. No. 12-2028. Filed for public inspection October 19, 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 October 3, 2012.

The organization chart at 42 Pa.B. 6644 (October 20, 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. 12-2029. Filed for public inspection October 19, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Pennsylvania State Police

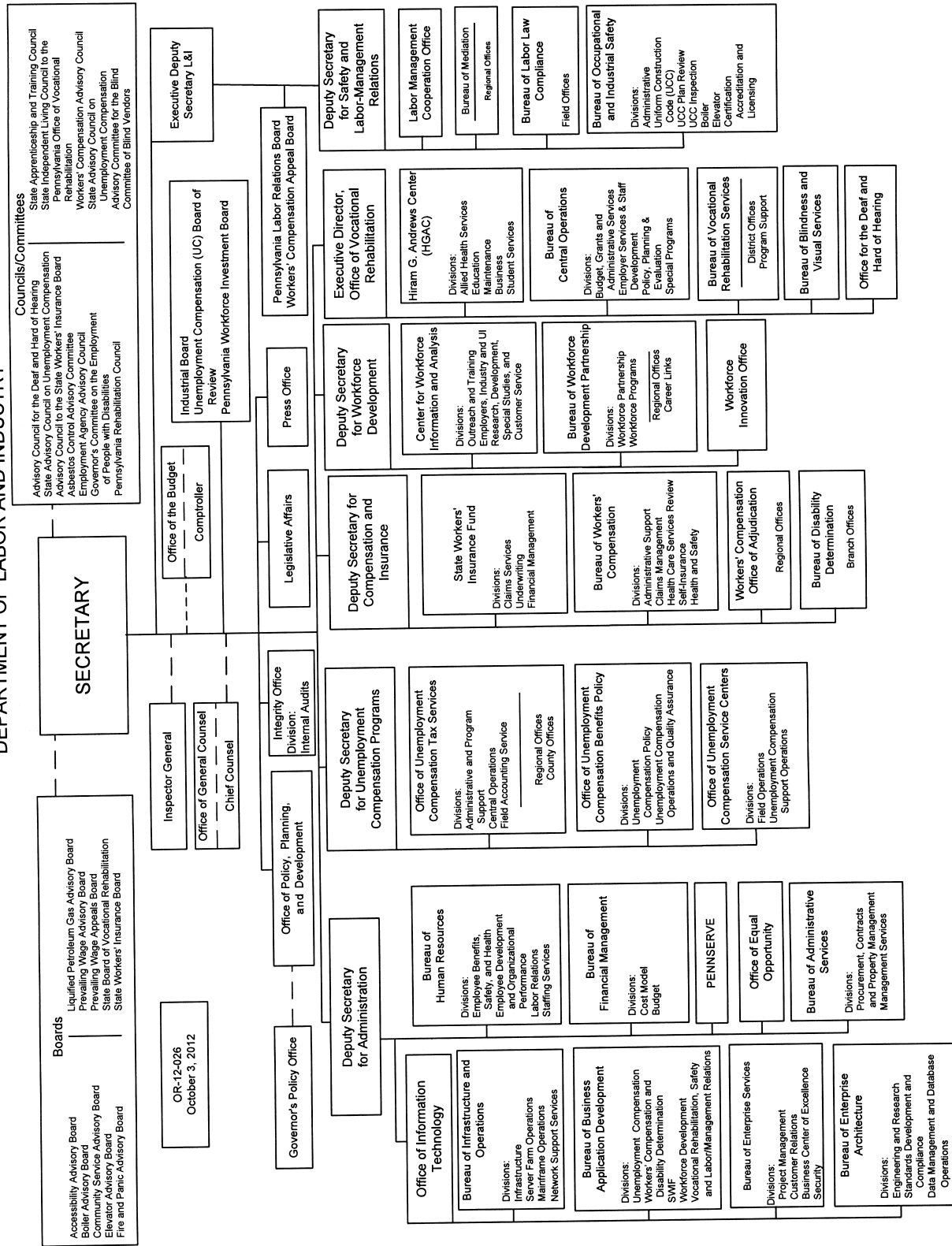
The Executive Board approved a reorganization of the Pennsylvania State Police effective October 3, 2012.

The organization chart at 42 Pa.B. 6645 (October 20, 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*).

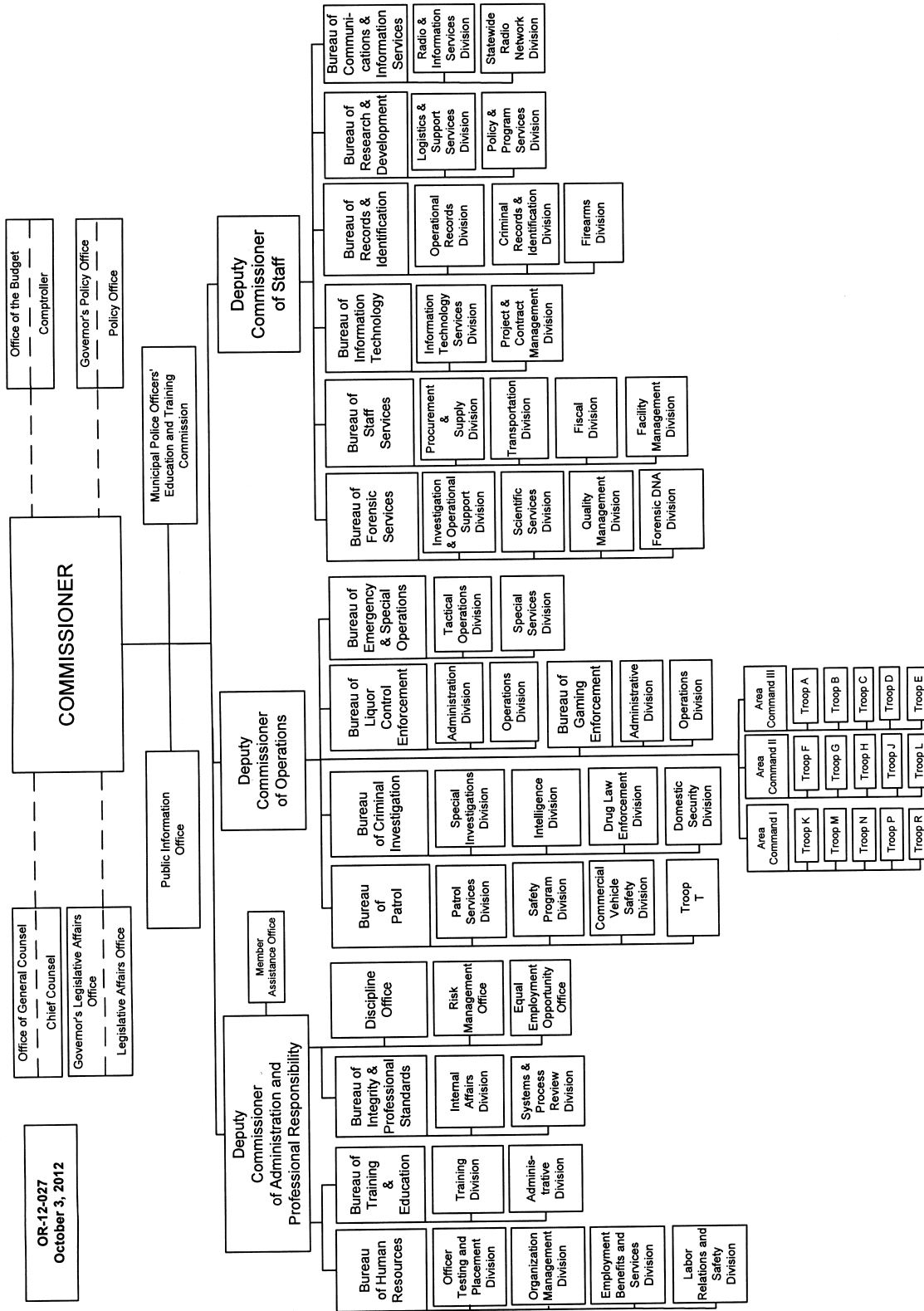
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 12-2030. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY



PENNSYLVANIA STATE POLICE



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 October 2, 2012.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-27-2012	QNB Bank Quakertown Bucks County	1410 West Street Road Warminster Bucks County	Approved
10-2-2012	First Keystone Community Bank Berwick Columbia County	225 Memorial Highway Dallas Luzerne County	Filed

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-26-2012	Royal Bank America Narberth Montgomery County	<i>Into:</i> 105 West Fourth Street Bridgeport Montgomery County <i>Into:</i> 655 West Dekalb Pike King of Prussia Montgomery County <i>From:</i> 106 Beidler Road King of Prussia Montgomery County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-28-2012	Northwest Savings Bank Warren Warren County	553 Market Street Johnsonburg Elk County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-30-2012	TruMark Financial Credit Union Trevose Bucks County Merger of BC3 Employees Federal Credit Union, Newtown, with and into TruMark Financial Credit Union, Trevose.	Effective

Articles of Amendment

Date	Name and Location of Institution	Action
9-26-2012	Boeing Helicopters Credit Union Ridley Park Delaware County	Filed

The credit union proposes to amend Article 8 of its Articles of Incorporation to provide the following field of membership: "with the prior approval of the Department of Banking other occupational and associational groups as provided by law."

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2031. Filed for public inspection October 19, 2012, 9:00 a.m.]

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

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.11 to which was added 2.50 percentage points for a total of 4.61 that by law is rounded off to the nearest quarter at 4 1/2%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2032. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Request for Bids

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

FDC-012-3749.1R—Structure Replacement—Bridge No. 12-0047, Zinck Fork Road over Upper Pine Bottom Run,

Forest District 12, Tiadaghton State Forest, Cummings Township, Lycoming County. Work included under this contract consists of removing an existing deteriorating 60" corrugated metal pipe and providing and installing a new 14' x 6' precast reinforced concrete box culvert, including associated driving surface aggregate approaches. The new structure will have weathering steel guide rail. Bid documents will be available on or after October 24, 2012. The bid opening will be held on November 20, 2012.

FDC-012-3796.1—Structure Replacement—Bridge A: No. 12-9006, Slate Run Road over Daugherty Run, Bridge B: No. 12-0041, Slate Run Road over Manor Fork, Bridge C: No. 12-9028, Slate Run Road over Tributary to Slate Run, Forest District 12, Tiadaghton State Forest, Brown Township, Lycoming County. Work included under this contract consists of all site work to suit project preparation, execution and completion. This includes demolition of existing structure Slate Run Road over Daugherty Run (#41-7935-5112-9006). It will be replaced with a precast reinforced concrete box culvert with precast concrete end sections and an 18-foot clear roadway width, 18-foot span and 5-foot rise. Also included is demolition of existing structure Slate Run Road over Manor Fork (#41-7935-5112-0041). It will be replaced with a precast reinforced concrete box culvert with precast concrete end sections and a 20-foot clear roadway width, 18-foot span and 8-foot rise. Also included is demolition of existing structure Slate Run Road over Tributary to Slate Run (#41-7935-5112-9028). It will be replaced with a precast reinforced concrete box culvert with precast concrete wings and a 24-foot clear roadway width, 5-foot span and 5-foot rise. Also included will be rock lining, paving, driving surface aggregate, architectural surface treatment, guiderail installation at two sites and approximately 100 linear feet of slope stabilization using micropile walls. Bid documents will be available on or after October 24, 2012. The bid opening will be held on November 20, 2012.

FDC-012-7363.1—Structure Replacement—Bridge No. 12-0027, Cove Road over Fourth Gap, Forest District 12, Tiadaghton State Forest, Washington Township, Lycoming County. Work included under this contract consists of demolition of the existing structure and installation of a new precast reinforced concrete box culvert (22' span and a 4'-6" underclearance). Replacement shall include driving surface aggregate, rip-rap and architectural surface treatment. Bid documents will be available on or after October 24, 2012. The bid opening will be held on November 20, 2012.

FDC-012-7459.1—Pump Station, Groomer Storage Building Addition, Forest District 12, Tiadaghton State Forest, Brown Township, Lycoming County. Work included under this contract consists of a wood frame addition to

an existing storage building. Bid documents will be available on or after October 24, 2012. The bid opening will be held on November 20, 2012.

FDC-318-6103.1—Work included under this contract consists of the construction of a concrete ADA beach access ramp with railings and placement of a concrete jacket along the bridge abutment (Far). Bridge #07-7935-6318-0300. Bid documents will be available on or after October 10, 2012. The bid opening will be held on November 8, 2012.

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 12-2033. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Cyber Charter School Application Hearings

The Department of Education (Department) has scheduled four public hearings regarding eight cyber charter school applications that it received on October 1, 2012. The hearings will be held on Monday, November 26, 2012, Wednesday, November 28, 2012, Thursday, November 29, 2012, and Friday, November 30, 2012, beginning at 9:15 a.m. in Heritage Room B, lobby level, 333 Market Street, Harrisburg, PA. The hearings pertain to applicants seeking to operate cyber charter schools beginning in the 2013-14 school year which include: Urban Cyber Charter School, Akoben Cyber Charter School, Mercury Online Charter School of Pennsylvania, Insight PA Cyber Charter School, V3 Cyber Charter School, PA Career Path Cyber Charter School, MB Resiliency Cyber Charter School of Pennsylvania and Phase 4 America Cyber Charter School. The purpose of the hearings is to gather information from the applicants about the proposed cyber charter schools as well as receive comments from interested persons regarding the applications. The applications can be viewed on the Department's web site at www.education.state.pa.us.

Each charter applicant will have 30 minutes to present information about the proposed cyber charter school. Individuals who wish to provide comments during the hearing must send the Department and the applicant a copy of the comments on or before November 5, 2012. Failure to comply with this deadline will preclude the respective individual from providing verbal comments at the hearing. Verbal comments may be limited based on the number of individuals requesting time to provide comments and may also be limited if the comments are duplicative or repetitive of another individual's comments.

Each hearing will be conducted by the panel of individuals who have completed an initial review of the applications. The panel members may question the applicants regarding issues identified during their review, as well as issues raised in the written comments filed before the hearing date. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicants or the panel members. Individuals who are unable to attend the hearing may also provide the Department and the respective applicant with written comments on or before November 19, 2012. Any written comments provided to the Department by this deadline will become part of the certified record.

Comments sent to the Department should be addressed to Marlene Kanuck, Bureau of Teaching and Learning, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333. An agenda will be prepared after November 13, 2012, when the Department is aware of the number of individuals who wish to provide verbal comments at the hearing. That agenda will provide the order of presentation, as well as specify the amount of time allotted to each commentator. The agenda will be posted on the Department's web site at http://www.portal.state.pa.us/portal/server.pt/community/charter_schools/7356/applying_to_become_a_charter_school_in_pa/508181, under Public Hearing Notices.

For questions regarding this hearing, contact Marlene Kanuck at (717) 783-9294 or mkanuck@pa.gov.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 12-2034. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. 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 18701-1915. Phone: 570-826-2511.

<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>
PA0032131 (Sewage)	Locust Lake State Park STP Locust Lake Road Barnesville, PA 18214	Schuylkill County Ryan Township	Locust Creek (3-A)	Y
PA0062316 (Sewage)	Blue Mountain Village STP (a.k.a. Chicola Lake MHP STP) 1249 Blue Mountain Circle Saylorsburg, PA 18353	Monroe County Ross Township	Aquashicola Creek (2-B)	Y
PA0063487 (Sewage)	Northside Heights Mobile Home Estates, Inc. 97 Sam Brooke Circle Lehighton, PA 18235-4226	Carbon County East Penn Township	UNT to Lizard Creek (02B)	Y
PA0065013 (Industrial Waste)	Blythe Township Municipal Authority Silver Creek WTP Silver Creek Road To New Philadelphia, PA 17959	Schuylkill County Blythe Township	Silver Creek (3-A) Cold water fishes	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0086932 - (Sew)	Keystone Kommunities Yorkana MHP 330 Ridge Road York, PA 17402	York County / Lower Windsor Township	7-I / unt Cabin Creek	Y

<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>
PA0081817 - (Sew)	Juniata County School District— East Juniata High School South 7th Street, Box D HV63 Mifflintown, PA 17059	Juniata County / Fayette Township	12-B / Cocolamus Creek	Y
PA0083644 (Sew)	Rainworth, Inc. 1979 Biglerville Road Gettysburg, PA 17325	Adams County / Straban Township	13-D / unt Marsh Run	Y
PA0083941 (IW)	Interstate Waste Services Db a Community Refuse Service, Inc. 135 Vaughn Road Shippensburg, PA 17257	Cumberland County Hopewell & North Newton Townships	7-B / UNT to Conodoguinet Creek	Y
PA0080187 (IW)	Dauphin Meadows, Inc. 425 Perinton Parkway Fairport, NY 14450	Dauphin County Upper Paxton Township Washington Township	6-C / UNT to Wiconisco Creek	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

PA0026531, Sewage, SIC Code 4952, **Downingtown Area Region Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335.

This existing facility is located in East Caln Township, **Chester County**. The following notice reflects changes to the notice published in the March 10, 2012, *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Mass Limits (lbs/day)</i>		<i>Concentration Limits (mg/l)</i>	
	<i>Average Monthly</i>	<i>Inst. Maximum</i>	<i>Average Monthly</i>	<i>Inst. Maximum</i>
Total Nitrogen	1877		30	60
Total Dissolved Solids	62,550		1,000	2,000
Copper Total	Report		Report	
CBOD ₅ (Influent)	Report		Report	

In addition to above changes, following special condition are added

1. Three years to comply final TRC limit
2. Removed monitoring requirements for Dichlorobromomethane
3. Fecal Coliform 10% rule during winter months per DRBC regulation
4. Total Nitrogen limits are based on alternative TMDL reduction scenario.

PA0053716, SIC Code 6514, **Jeffery Allen & Lori Ann Scott**, 800 North Tower Road, Quakertown, PA 18951. Facility Name: Scott SRSTP. This existing facility is located in West Rockhill 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), Unnamed Tributary of Butter Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Annual Average</i>	<i>XXX</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>XXX</i>	<i>OInstant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18

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

- Submission of AMR
- Abandon STP
- Remedial Measures
- No Storm Water
- Necessary Property Rights
- Shall Stream Discharge
- Change in Ownership
- Sludge Disposal

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.

PA0051993, Sewage, SIC Code 4952, **Giambrone Enterprises LP**, 1030 N West End Boulevard, Quakertown, PA 18951. Facility Name: Giambrone Enterprises LP.

This existing facility is located in Richland 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), Unnamed Tributary to Tohickon Creek, is located in State Water Plan watershed 2-D and is classified for Trout Stocking 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 0.008 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>		
Flow (GPD)	Report	XXX	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	1.2	XXX	2.0
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

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

- Notification of Designation of Responsible Operator
- Abandon STP when Public Sewers Become Available
- Remedial Measures if Public Nuisance
- No Stormwater to Sanitary Sewers
- Necessary Property Rights
- Change in Ownership
- Chlorine Minimization
- Proper Sludge Disposal
- Operator Training
- Lab Certification
- Imax Limits
- Fecal Coliform Reporting
- eDMR Requirements

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.

PA0056898, SIC Code 2033, **To-Jo Mushrooms Inc.**, 947 Penn Green Road, Avondale, PA 19311. Facility Name: To-Jo Mushrooms, Inc. This existing facility is located in New Garden Township, **Chester County**.

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

The receiving stream(s), East Branch of White Clay Creek, is located in State Water Plan watershed 3-I and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.049 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅	8.3	16.6	XXX	20	40	50
Total Suspended Solids	12.3	18.4	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1000*
				Geo Mean		
Total Nitrogen	16.3	32.7	XXX	40	80	100
Ammonia-Nitrogen	1.35	XXX	XXX	3.3	XXX	8.3
Total Phosphorus	.82	1.6	XXX	2.0	4.0	5.0

*Shall not exceed in more than 10 percent of samples.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.035 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅	5.9	11.8	XXX	20	40	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1000*
				Geo Mean		
Total Nitrogen	5.8	11.6	XXX	20	40	50
Ammonia-Nitrogen	1.0	XXX	XXX	3.3	XXX	8.3
Total Phosphorus	0.6	1.2	XXX	2.0	4.0	5.0

*Shall not exceed in more than 10 percent of samples.

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

- A. Operator Notification
- B. Effective Disinfection
- C. Remedial Measures if Public Nuisance
- D. Effluent Guideline Limitation
- E. Thermal Requirements for Outfall 002
- F. 2°F Temperature Change in One-Hour
- G. Change in Ownership
- H. Chlorine Minimization
- I. Proper Sludge Disposal
- J. TMDL/WLA Analysis
- K. Operator Certification

L. I-Max Limits

M. Laboratory Certification

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

The EPA Waiver is not in effect.

PA0051713, SIC Code 2819, **Evonik Degussa Corporation**, 1200 W Front Street, Chester, PA 19013-3438. Facility Name: Evonik Degussa Chester PA Facility. This existing facility is located in City of Chester, **Delaware County**.

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

The receiving stream(s), Delaware River, is located in State Water Plan watershed 3-G 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 1.15 MGD before the expansion of the plant and 1.8 MGD after the expansion of the plant.

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	XXX
Temperature (°F)	XXX	XXX	Inst Min	XXX	XXX
Total Suspended Solids (Interim)	959	1,918	100	200	XXX
(Final)	1,501	3,002	100	200	XXX
Total Dissolved Solids (Interim)	287,890	307,080	30,000	32,000	XXX
(Final)	450,360	480,384	30,000	32,000	XXX
Acute toxicity (Ceriodaphnia) (TUa) (Interim)	XXX	XXX	Report	XXX	XXX
(Final)	XXX	XXX	7.5	XXX	XXX
Chronic toxicity (Ceriodaphnia) (TUc)	XXX	XXX	Report	XXX	XXX
Acute toxicity (Pimephales) (TUa) (Interim)	XXX	XXX	Report	XXX	XXX
(Final)	XXX	XXX	7.5	XXX	XXX
Chronic toxicity (Pimephales) (TUc)	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on an average storm water flow.

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

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

- A. Remedial Measures if Unsatisfactory Effluent
- B. Applicable BAT if Developed
- C. Thermal Requirement
- D. Change of Ownership
- E. Proper Sludge Disposal
- F. TMDL/WLA Analysis
- G. I-max Limitations
- H. TSS removal per DRBC
- I. Time Schedule of Construction
- J. Laboratory Certification
- K. PCB/PMP Requirement
- L. Chemical Additives

M. WET Testing

N. Stormwater Condition

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.

PA0050865, Industrial Waste, SIC Code 3089, **Gessner Products Company, Inc.**, 241 North Main Street, Ambler, PA 19002-0389. Facility Name: Gessner Products Ambler Facility. This existing facility is located in Ambler Borough, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of non-contact cooling water.

The receiving stream(s), Unnamed Tributary to Wissahickon Creek, locally known as Rose Valley Creek, is located in State Water Plan watershed 3-F and is classified for Trout Stocking 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 0.076 MGD.

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

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

- Remedial measures if public nuisance.
- Maximum 2°F temperature change
- No chemical addition without prior approval
- Change of ownership

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.

PA0043966, Sewage, SIC Code 6515, **Valley Forge Group Limited Partnership/Newbury Management Company**, 31200 Northwestern Highway, Farmington Hills, MI 48334. Facility Name: Valley Forge Crossing MHP WWTP. This existing facility is located in Lower Providence Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage effluent from the Valley Forge Crossing Mobile Home Park Wastewater Treatment Plant. The plant is located at 1311 Catfish Lane, Norristown, PA 19403.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.045 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.26	XXX	0.85
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	7.0	XXX	14.0
Nov 1 - Apr 30	XXX	XXX	XXX	20.0	XXX	40.0

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

- Notification of Designation of Responsible Operator
- Abandon Treatment Plant when Public Sewers Available
- Remedial Measures if Public Nuisance
- No Stormwater to Sewers

- Necessary Property Rights
- Small Stream Discharge
- Change of Ownership
- Chlorine Minimization
- Proper Sludge Disposal
- Operator Training
- Instantaneous Maximum Limits
- Operations and Maintenance Plan
- Laboratory Certification
- Fecal Coliform Reporting

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 18701-1915. Phone: 570-826-2511.

PA0065137, Industrial Waste, SIC Code 4952, **Blythe Township**, Burma Road, Blythe Twp., PA 17959. Facility Name: Brads Landfill. This proposed facility is located in Blythe Township, **Schuylkill County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Industrial Waste.

The receiving stream(s), Silver Creek, is located in State Water Plan watershed 3-A 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 0.026 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
BOD	XXX	XXX	XXX	37	140	XXX
Total Suspended Solids	XXX	XXX	XXX	27	88	XXX
Total Dissolved Solids	XXX	XXX	XXX	2,000	4,000	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean 4.9	10.0	XXX
Total Aluminum	XXX	XXX	XXX	.75	1.5	XXX
Total Arsenic	XXX	XXX	XXX	Report	XXX	XXX
Total Barium	XXX	XXX	XXX	Report	XXX	XXX
Total Chromium	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	1.5	3.0	XXX
Total Manganese	XXX	XXX	XXX	1.0	2.0	XXX
Total Nickel	XXX	XXX	XXX	Report	XXX	XXX
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	0.11	0.20	XXX
4-Methyl-2-pentanone	XXX	XXX	XXX	Report	XXX	XXX
Phenol	XXX	XXX	XXX	0.015	0.026	XXX
Acetone	XXX	XXX	XXX	Report	XXX	XXX
a-Terpineol	XXX	XXX	XXX	0.016	0.033	XXX
Benzoic Acid	XXX	XXX	XXX	0.071	0.12	XXX
Carbon Disulfide	XXX	XXX	XXX	Report	XXX	XXX
2-Butanone	XXX	XXX	XXX	Report	XXX	XXX
1,1-Dichloroethane	XXX	XXX	XXX	Report	XXX	XXX
Methylene Chloride	XXX	XXX	XXX	Report	XXX	XXX
p-Cresol	XXX	XXX	XXX	0.014	0.025	XXX
Total Phenolics	XXX	XXX	XXX	Report	XXX	XXX
Toluene	XXX	XXX	XXX	Report	XXX	XXX
Total Xylenes	XXX	XXX	XXX	report	XXX	XXX

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

* Monitoring of untreated leachate Quantity and Quality

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

The EPA Waiver is not in effect.

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

PA0086045, Sewage, SIC Code 6515, **Castle Hill Associates**, 20 Erford Road, Lemoyne, PA 17043. Facility Name: Castle Hill Mobile Home Park. This existing facility is located in Straban Township, **Adams County**.

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

The receiving stream, Unnamed Tributary to Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.04	XXX	0.14
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0

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

The EPA Waiver is in effect.

PA0247944, Sewage, SIC Code 8211, **Spring Grove Area School District**, 100 East College Avenue, Spring Grove, PA 17362. Facility Name: Paradise Elementary School. This existing facility is located in Paradise Township, **York County**.

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

The receiving stream, Unnamed Tributary of Beaver Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.17	XXX	0.34
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15

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.

PA0084077, Sewage, SIC Code 4952, **Snake Spring Township Municipal Authority Bedford County**, 624 Pennknoll Road, Everett, PA 15537-6945. Facility Name: Snake Spring Township STP. This existing facility is located in Snake Spring Township, **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), Raystown Branch Juniata River, is located in State Water Plan watershed 11-C and is classified for Trout Stocking 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 0.19 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily 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	39	63	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	47	71	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Total Nitrogen	XXX	Report	XXX	Report	XXX	XXX
		Total Annual		Annl Avg		
Total Phosphorus	3.17	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX
		Total Annual		Annl Avg		

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.

PA0083852, Sewage, SIC Code 7033, **Ferryboat Campsite Inc.**, 32 Ferry Lane, Liverpool, PA 17045-9254. Facility Name: Ferryboat Campground. This existing facility is located in Buffalo Township, **Perry 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), Susquehanna River, is located in State Water Plan watershed 6-C and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		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	25	XXX	50

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Phosphorus	Report Annl Total	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report Annl Total	XXX	XXX	Report Annl Avg	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.

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 and offsets are shown separately from the Total Nitrogen capload.

At the request of the permittee and in accordance with 25 Pa. Code § 92a.82(d) as well as 40 CFR 124.8, the Department has agreed to extend the public comment period by an additional 30 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.

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

PA0025003, Sewage, SIC Code 8412, **US Army Corps of Engineers Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. Facility Name: Tub Run Recreation Area Sewage Treatment Plant. This existing facility is located in Henry Clay Township, **Fayette County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	0.025	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

PA0022365, Sewage, SIC Code 4952, **Perryopolis Area Joint Authority**, P O Box 298, Perryopolis, PA 15473-0298. Facility Name: Perryopolis STP. This existing facility is located in Perryopolis Borough, **Fayette County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.75 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	0.750	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	156	237	XXX	25	38	50
BOD ₅		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
BOD ₅	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	188	281	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg				
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

PA0028193, Sewage, SIC Code 4952, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237. Facility Name: Longvue STP 2. This existing facility is located in Ross Township, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Girty's Run, is located in State Water Plan watershed 18-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	0.1	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	1.0	XXX	3.0
CBOD ₅	8.3	12.5	XXX	10	15	20
CBOD ₅						
Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	20.9	31.3	XXX	25	37.5	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	1.7	2.5	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	2.5	3.8	XXX	3.0	4.5	6.0
Total Copper	0.014	0.035	XXX	0.017	0.0425	0.053
		Daily Max			Daily Max	

The EPA Waiver is in effect.

PA0253057, Sewage, SIC Code 6514, **Ruth A Testa**, 239 Roaring Run Road, Champion, PA 15622. Facility Name: Testa SR STP. This existing facility is located in Donegal Township, **Westmoreland 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), Roaring Run, is located in State Water Plan watershed 19-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
CBOD ₅						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Sep 30	XXX	XXX	XXX	5.0	XXX	10.0
Oct 1 - Apr 30	XXX	XXX	XXX	15	XXX	30

The EPA Waiver is in effect.

PA0203971, Sewage, SIC Code 7992, **Framar Inc.**, 424 Jamie Drive, Belle Vernon, PA 15012-4314. Facility Name: Cedarbrook Golf Course STP. This existing facility is located in Rostraver Township, **Westmoreland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0076 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.0076	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine						
(Interim)	XXX	XXX	XXX	0.20	XXX	0.45
(Final)	XXX	XXX	XXX	0.1	XXX	0.2
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.4	XXX	4.8
Nov 1 - Apr 30	XXX	XXX	XXX	7.2	XXX	14.4

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

The EPA Waiver is in effect.

PA0092037, Sewage, **Covenant Mobile Home LLC**, 1 Vandercastel Road, Sterling, VA 20165. Facility Name: Covenant Mobile Park LLC. This existing facility is located in Unity Township, **Westmoreland County**.

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

The receiving stream(s), Little Crabtree Creek, is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00525 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	0.00525	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Dissolved Phosphorus	XXX	XXX	XXX	2	XXX	4

The EPA Waiver is in effect.

PA0217786, Sewage, SIC Code 4952, **New Eagle Borough Municipal Sewer Authority**, 157 Main Street, New Eagle, PA 15067-1145. Facility Name: New Eagle Borough STP. This existing facility is located in New Eagle Borough, **Washington County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.8 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	0.80	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	167	253	XXX	25	38	50
BOD ₅		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	200	300	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg				
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

PA0093165, Sewage, **PA American Water**, 800 West Hershey Park Drive, Hershey, PA 17033. Facility Name: PA American Water—Claysville STP. This existing facility is located in Donegal Township, **Washington 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, Dutch Fork, is located in State Water Plan watershed 20-E and is classified for High Quality Waters—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 0.16 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.03	XXX	0.10
CBOD ₅	20.0	30.0	XXX	15	22.5	30
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	33.4	50.7	XXX	25	38	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	2.0	3.0	XXX	1.5	2.3	3.0
Nov 1 - Apr 30	5.3	8.0	XXX	4.0	6.0	8.0
Total Phosphorus	2.7	4.0	XXX	2.0	3.0	4.0

The EPA Waiver is in effect.

PA0219169, Sewage, SIC Code 4952, **Laurel Highland Municipal Authority**, PO Box 93, Rockwood, PA 15557. Facility Name: New Centerville Borough STP. This existing facility is located in New Centerville Borough, **Somerset 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), Middle Creek, is located in State Water Plan watershed 19-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	0.04	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
BOD ₅						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20

The EPA Waiver is in effect.

PA0094455, Sewage, **Derry Township Municipal Authority**, PO Box 250, New Derry, PA 15671. Facility Name: Dogwood Acres MHP STP. This existing facility is located in Derry Township, **Westmoreland 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), McGee Run, is located in State Water Plan watershed 18-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Maximum	Average Monthly	Weekly Average	
Flow (MGD)	0.035	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
BOD ₅						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	11.0	XXX	22.0

The EPA Waiver is in effect.

PA0026883, Sewage, **City of Beaver Falls**, 715 15th Street, Beaver Falls, PA 15010-4124. Facility Name: Beaver Falls STP. This existing facility is located in Beaver Falls City, **Beaver County**.

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

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

The proposed effluent limits for Internal Outfall 101 and Relief Outfall 002 are based on a design flow of 4.8 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	1,001.4	1,502.1	XXX	25	37.5	50
BOD ₅		Wkly Avg				
BOD ₅	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,201.7	1,802.5	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg				
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

The EPA Waiver is not in effect.

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PAS802203 (Storm Water)	Mack Trucks Macungie Division 7000 Alburdis Road Macungie, PA 18062-9632	Lehigh County Lower Macungie Township	Swabia Creek (2-C) High Quality Cold Water Fishes	Y

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

WQM Permit No. 0692403, Amendment 12-1, Sewerage, **Donald Wasson**, 381 Garey Road, Douglassville, PA 19518.

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

Description of Proposed Action/Activity: Seeking permit approval to change their current disinfection system to a UV Disinfection System.

WQM Permit No. 5012404, Sewerage, **Geoff Weaver**, 790 Oliver Street, Newport, PA 17074.

This proposed facility is located in Oliver Township, **Perry County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of a small flow treatment system to serve their single family residence.

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

WQM Permit No. 0312401, Sewerage, **Jesse Patterson**, 258 Kimmel School Road, Shelocta, PA 15774

This proposed facility is located in Plum Creek Township, **Armstrong County**

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

WQM Permit No. 6512403, Sewerage, **Albert T. Cejka**, 495 Hoods Mill Road, Latrobe, PA 15650

This proposed facility is located in Cook Township, **Westmoreland County**

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1506098-R	Malvern Hill Associates, LP 2701 Renaissance Boulevard First Floor King of Prussia, PA 19406-2781	Chester	East Whiteland Township	Little Valley Creek (EV)
PAI01 151232	Sebastian P. Napoli 705 Antietam Drive Douglassville, PA 19518	Chester	East Vincent Township	French Creek (EV)
PAI01 151233	Michael P. Ryan 606 Gordon Drive Exton, PA 19341	Chester	Uwchlan Township	Pine Creek (HQ-TSF)
PAI01 151234	Harlan Corporation 214 Pond View Drive Chadds Ford, PA 19317	Chester	East Goshen Township	Unnamed Tributary Ridley Creek (HQ-TSF)
PAI01 461205	Fred MacIntosh 602 East Broad Street Souderton, PA 18964	Montgomery	Marlborough Township	Unami Creek (HQ-TSF)
PAI01 461206	Anthony M. Imbesi 311 Sumneytown Pike North Wales, PA 19454	Montgomery	Upper Gwynedd Township	Tributary Towamencin Creek No. 1 (TSF-MF)
PAI01 5107005-R	BDP Realty, LP and BDP Realty II, LP 120 West Germantown Pike Plymouth Meeting, PA 19462	Philadelphia	City of Philadelphia	Frankford/Tacony Creek and Delaware River (WWF)

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481
 Venango County Conservation District, 1793 Cherrytree Road, Franklin PA 16323

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI066112001	Oil Creek Alliance Attn: Deb Lutz 217 Elm Street Oil City PA 16301	Venango	Sandycreek Township	Morrison Run WWF; (existing use—EV)

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

PAG-12 CAFOs

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3512510, Public Water Supply.

Applicant	Pennsylvania American Water 800 West Hershey Park Drive Hershey, Pa
[Township or Borough]	Newton Twp, Lackawanna County
Responsible Official	David Kaufmann
Type of Facility	Community Water System

Consulting Engineer	Philip M. DePoe, P.E. Buchart Horn, Inc. 445 West Philadelphia St York, Pa 17401
Application Received Date	9/7/2012
Description of Action	The construction of a storage tank, transmission main, and booster station improvements in the Abington System.

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

Application No. 1712501—Construction Public Water Supply.

Applicant **Clearfield Municipal Authority**
Lawrence and Pike Townships

County **Clearfield**
Responsible Official Jeffery S. Williams, Manager
Clearfield Municipal Authority
107 East Market Street
Clearfield, PA 16830

Type of Facility Public Water Supply
Consulting Engineer Mark V. Glenn, P.E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Application Received October 2, 2012
Description of Action Construction of 3 new on-grade water storage tanks. Montgomery 1.5 MG, Hillsdale 1.5 MG (replacement of existing), Wolf Run 0.5 MG (addition to existing), approx. 11,500 LF of 12"—20" dia. water transmission main. System wide water meter replacement and all required appurtenances.

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. 4011510MA

Applicant **Aqua Pennsylvania, Inc.**

[Township or Borough]	Exeter Township Luzerne County
Responsible Official	Patrick R. Burke, Regional Manager Northeast & Central Operations Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Type of Facility	Community Water System
Consulting Engineer	Stephen J. Draus, PE Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661 570-443-7099 Ext. 55504
Application Received Date	September 19, 2012
Description of Action	Application for modification of the Hex Acres CWS to include installation of a chemical feed system to sequester iron & manganese, installation of a 750 gallon hydropneumatic tank and installation of a re-circulation line on the booster pump discharge line.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Charles Brewer #3 Well Pad, Midd Road & NW intersection of SR 954, Washington Township, **Indiana County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of XTO Energy- Appalachia Division, 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate site soil contaminated with constituents from an accidental release of on-site produced water. The remediation is seeking to meet the Statewide Heath Standard.

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

PECO Energy Oregon Maintenance Shop, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Stantec Consulting Services, Inc. 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, Patrice Donahue, Stantec Consulting Services, Inc. 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of George Horvat, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of lead. The future use of the site is expected to remain so in the future.

311 East Lancaster Avenue, Lower Merion Township, **Montgomery County**. Joseph Diamadi, Jr. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of William J. Higginson, 311 East Lancaster Avenue LLC, 790 Township Line Road, Suite 300, Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same. A Notice of Intent to Remediate was to have published in the *Main Line* on September 27, 2012.

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

Former Excel Storage Facility, Route 447, Stroud Township, **Monroe County**, Mary King, Civil & Environ-

mental Consultants, Inc., has submitted a Notice of Intent to Remediate on behalf of her client, Robert Riegler, Route 244 Storage Center, LLC, Route 447, East Stroudsburg, PA 18301, concerning the remediation of trichloroethene (TCE), tetrachloroethene (PCE) and cis-1,2-dichloroethene (c-1,2-DCE) in shallow exterior soils and below the interior floor slab at concentrations above the soil to groundwater found during an investigation. The applicant proposes to remediate the site to meet the Non-Residential Site Specific Standard for soil and Non-Residential Site Specific Standard for groundwater. The intended future use of the site is for warehousing. A summary of the Notice of Intent to Remediate was published in the *Pocono Record*, on September 24, 2012.

Miners Plaza, 2880 Pottsville Minersville Highway, Branch Township, **Schuylkill County**, Kyle Zimmerman and Justin Shappell, United Environmental Services, Inc., have submitted a Notice of Intent to Remediate on behalf of their client, James Miller, MBC Development LP, PO Box 472, 950 East Main Street, Schuylkill Haven, PA 17972, concerning the remediation of soil from No. 2 fuel oil as a result of a leaking underground storage tank. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soil. The intended future use of the site is commercial. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability for General Permit WMGM017 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/or 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 17106-9170.

General Permit Application No. WMGM017D010 Black Moon Farm, 163 Richardson Lane, Volant, PA 16156-6033. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application was found to be administratively complete by the Bureau of Waste Management on October 2, 2012.

Written Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at 717-787-7381. 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 revisions to, and approval or denial of the application.

General Permit Application No. WMGM017D009 Mr. Charles R. Moose, 1456 Mercer-Wilmington Road,

New Wilmington PA 16142-2520. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application was found to be administratively complete by the Bureau of Waste Management on October 2, 2012.

Written Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at 717-787-7381. 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 revisions to, and approval or denial of the application.

General Permit Application No. WMGM017D008 Little Neshannock Farm, 1145 Fayette-New Wilmington Road, New Wilmington, PA 16142-4619. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application was found to be administratively complete by the Bureau of Waste Management on October 2, 2012.

Written Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at 717-787-7381. 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 revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 301220. Clean Earth of Philadelphia, LLC, 3201 South 61st Street, Philadelphia PA 19153-3502. This application is for permit reissuance of the residual waste processing facility due to a name change from Clean Earth of Philadelphia, Inc., to Clean Earth of Philadelphia, LLC. The Clean Earth of Philadelphia, LLC Facility is located at 3201 South 61st Street in the City of Philadelphia, **Philadelphia County**. The application was received by the Southeast Regional Office on August 2, 2012.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

66-315-058: Procter & Gamble Paper Products Co. (PO Box 32, Mehoopany, PA 18629-0032) for construction

of a glue converting process at their facility in Washington Township, **Wyoming County**.

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

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

65-01024A: Aquion Energy (1001 Technology Drive, Mt. Pleasant, PA 15666) for construction of a manufacturing facility for Aqueous Hybrid Ion (AHI) batteries at the Westmoreland Facility in East Huntingdon, **Westmoreland County**.

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

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

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

09-0063B: New Hope Crushed Stone (6970 Phillips Mill Road, New Hope, PA 18938) to replace the existing C-18 belt conveyor of Stone Crushing Operation, at Solebury Township, **Bucks County**. The proposed conveyor will have the same width and specifications. The facility shall meet all of the existing requirements of its Operating Permit No. 09-00063, except the provisions specified in this Plan Approval. The facility shall comply with the existing PM emission limitations of 5.71 lb/hr and 8.57 ton/yr (as a 12-month rolling sum) for Stone Crushing Operation and Conveying & Handling.

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

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

06-05073A: Dyer Quarry, Inc. (P. O. Box 188, Rock Hollow Road, Birdsboro, PA 19508) for the installation of a primary crusher, scalping screen, and two (2) conveyors in Robeson Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 06-05073A is for the installation of a 2,000 tph Metso gyratory crusher, an 8' x 20' Diester single deck scalping screen, and two (2) conveyors (30" x 640', 42" x 64'). The crusher and screen will be controlled by wet suppression. The 640' conveyor will be covered by hoods to prevent fugitive dust emissions. The facility is a minor facility subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The Plan Approval will contain monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements. The expected increase in actual air emissions from the proposed project are 0.54 tpy PM, 0.18 tpy PM₁₀ & 0.05 tpy PM_{2.5}.

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

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

36-03101B: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) for the replacement of two (2) baghouses at their poultry and dairy feed processing facility in West Hempfield Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 36-03101B is for the replacement of two (2) baghouses controlling the truck receiving pit, ingredient bins, transfer system, pneumatic receiving system, and hammermills Nos. 1 through 4. The facility is a minor facility and the plan approval will contain monitoring & work practice standards designed to keep the facility operating within all applicable air quality requirements. Actual controlled particulate emissions from the above sources are estimated at 5.45 tpy PM and 5.09 tpy PM₁₀.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Pro-

gram, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests.

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

67-05030E: C-P Converters, Inc. (15 Grumbacher Road, York, PA 17406) for construction of a new flexographic printing press at the facility in Manchester Township, **York 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. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

67-05030E is for the construction of a new flexographic printing press at the Manchester Township facility. The company shall be subject to and comply with the requirements of Best Available Technology (BAT) in accordance with 25 Pa. Code §§ 127.1 and 127.12(a)(5). Best available technology (BAT) for this source type is the control of VOCs with an existing regenerative thermal oxidizer (RTO). The company shall be subject to and comply with the requirements of 25 Pa. Code § 129.67—Graphic Arts Systems, 40 CFR Part 64—Compliance Assurance Monitoring and only the recordkeeping and reporting requirements of 40 CFR Part 63, Subpart KK—National Emission Standards for the Printing and Publishing Industry. 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. The potential air emissions from the proposed project are 39 tons per year of VOCs; less than 25 tons per year of combined HAPs; less than 10 tons per year of any single HAP; 2.5 tons per year of NO_x; 2.1 tons per year of CO and less than one ton per year each of PM₁₀ and SO₂.

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 DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

additional information or for the submission of comments, protests, or requests for a public hearing.

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

06-05128A: Reading Truck Body, LLC (P. O. Box 650, Reading, PA 19607-0650) for authorization to replace an existing paint booth with a new paint booth which will be used to apply touch-up topcoats to metal parts. Additionally, the plan approval will remove individual source volatile organic compound (VOC) emission caps. The heavy duty truck manufacturing facility is located in the City of Reading, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the above mentioned company for the above mentioned project. VOC emissions from the sources will remain capped at less than 50 tons per year. The plan approval will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements. The VOC emissions from the new paint booth are expected to be approximately 3.0 tons per year.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

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

24-131Q: SGL Carbon LLC (900 Theresia Street, Saint Marys, PA 15857) for replacement of two (2)

existing scrubbers. This facility is currently permitted under TV Operating Permit 24-00131 and is located in the City of Saint Marys, **Elk County**. Scrubbers C103B and C7102 will be replaced. These scrubbers control emissions for chemical vapor deposition reactors.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 24-131Q to SGL Carbon LLC for the replacement of two (2) scrubbers used in the chemical vapor deposition process, for the facility located in the City of Saint Marys, Elk County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-131Q is for the replacement of two (2) scrubbers used in the chemical vapor deposition process. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the projected actual emissions from the operation of the affected sources is 0.025 ton per year of hydrogen chloride, which is a HAP, calculated as a 12-month average.

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.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [20-040I] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

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

42-004G: American Refining Group, Inc. (77 Kendall Avenue, Bradford, PA 16701), the Department intends to issue this plan approval to, concerning the facility's annual average daily throughput rate increase

from 9,650 barrels per day to 11,000 barrels per day at their Refinery in Bradford City, **McKean County**.

This is a Title V facility. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

	<i>PM</i>	<i>PM-10</i>	<i>PM-2.5</i>	<i>SO_x</i>	<i>NO_x</i>	<i>VOC</i>	<i>CO</i>	<i>CO_{2e}</i>
<i>Baseline Emissions</i>	3.01	22.54	21.91	1,297.04	281.04	59.29	90.23	124,150.68
<i>Projected Actual Emissions</i>	3.56	26.25	25.51	1,483.73	320.39	67.59	105.16	146,226.91
<i>Emission Increase</i>	0.55	3.71	3.60	186.69	39.35	8.30	14.93	22,076.23

The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions):

Throughput Restrictions

1. This facility shall not refine crude oil at an average daily rate greater than 11,000 barrels as calculated from a twelve month rolling average. For the purposes of this plan approval/operating permit, refinement of crude oil shall be considered to have begun once the oil has entered the Crude Unit Heater (Source ID 041).

Additional Restrictions

1. The issuance of this plan approval does not alleviate American Refining Group from complying with all conditions of the facility's current operating permit.

2. Emission Inventory Production Reports submitted for years 2007 to the present shall be revised to utilize the same emission estimation methods used in plan approval application 42-004G. All revisions to Emission Inventory Production Reports shall be completed and submitted to the Department within 60 days of plan approval 42-004G's issuance. Additional emission fees shall be generated from increases in previously submitted Emission Inventory Production Reports.

Recordkeeping Requirements

1. The following records shall be maintained on site for a period of five years and shall be made available to the Department upon request:

A. The daily throughput of crude oil entering the Crude Unit Heater (Source ID 041) shall be recorded in a paper (hardcopy) log.

B. Each calendar month's average daily crude throughput shall be recorded in a log.

Reporting Requirements

1. Each year of operation ARG shall submit the average daily crude throughput of 12 months, beginning with January 1st and ending with December 31st, to the Department no later than March 1st.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the

No changes in emission restrictions have been granted. The project has been reviewed for PSD/NSR applicability. PSD/NSR program action has not been triggered. The increases in emissions will not result in an exceedance of any existing emission restrictions. The increases in emissions could have been accommodated by the facility and thus will not trigger PSD or NSR program action. Estimated emissions changes are shown in the table below.

Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [42-004G] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

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

Additional information can be obtained by contacting Jacob G. Chemsak of the PA DEP at (814) 332-6638.

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

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

AMS 12199: Star High Performance Inc. (525 W. Clearfield Street, Philadelphia, PA 19133) to install an

aluminum sweat furnace with a 2 MMBTU/hr primary burner, a 1.5 MMBTU/hr holding chamber burner, and a 1.5 MMBTU/hr afterburner. Each burner burns natural gas. The potential emissions from the unit will be 1.1 tons per year of particulate matter, 1.3 tons per year of sulfur oxides (SO_x), 2.1 tons per year of nitrogen oxides (NO_x), 0.1 tons per year of volatile organic compounds (VOC), 1.8 tons per year of carbon monoxide (CO), and 2.0 x 10⁻⁷ tons (less than one pound) per year of dioxin/furans. The plan approval will contain work practice, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 10307A: Kinder Morgan Liquid Terminals (3300 North Delaware Avenue Philadelphia, PA 19134) for a minor modification to Plan Approval No. 10307, originally issued February 13, 2012 for reactivation and operation of 11 storage tanks in the City of Philadelphia, **Philadelphia County**. The modification will correct the VOC emissions per rolling 12-month period limit for 8 of these tanks. The modification will result in a VOC emission increase of 1.57 tons per rolling 12-month period from these tanks combined compared to the original limits.

As a minor modification, there is a 21-day comment period from the date of publication of this notice.

OPERATING PERMITS

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

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

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

15-00008: Buckeye Terminals, LLC—Malvern Terminal (8 South Malin Road, Malvern, PA 19355) for renewal of Title V Operating Permit (“TVOP”) No. 15-00008 in East Whiteland Township, **Chester County**. The facility’s air emissions sources consist of a loading rack and an associated vapor recovery unit (“VRU”). The permittee has elected to restrict hazardous air pollutants (“HAPs”) emissions from the facility to less than 10 tons/yr for any individual HAP, and less than 25 tons/yr for total HAPs, to avoid being subject to the requirements of 40 C.F.R. Part 63, Subpart R. The loading rack is subject to a gasoline throughput restriction of 425,000,000 gallons in any consecutive twelve (12)-month period.

Since the TVOP was last renewed in 2006, the only change that has occurred at the facility is the installation of a continuous emissions monitoring system (“CEMS”) on the VRU. However, since this time, the facility has become subject to the requirements of 40 C.F.R. Part 63, Subpart BBBBBB. All applicable requirements of this regulation will be included in the renewed TVOP.

Because the VRU is equipped with a CEMS, the loading rack is no longer subject to the Compliance Assurance Monitoring (“CAM”) requirements of 40 CFR Part 64.

The TVOP will continue to include all other monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

13-00008: Kovatch Mobile Equipment (One Industrial Complex, Nesquehoning, PA 18240) for renewal of a Title V Operating Permit for their truck manufacturing facility in Nesquehoning Borough, **Carbon County**. The facility sources include: 6 boilers, 17 paint booths, 2 paint lines, 1 metal arc welding source, 1 sandblasting booth, 1 solvent cleaning source and 1 adhesives and sealant source. The actual emissions of the pollutants from the facility for 2011 are, NO_x: 2.9225 TPY (tons per year), CO: 2.9225 TPY, SO_x: 1.6149, VOC: 35.0812 TPY, PM-10: 0.6345 TPY and HAPs: 4.796 TPY. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

40-00034: Schott North America, Inc. (400 York Avenue, Duryea, PA 18642-2036) for a renewal Title V Operating Permit in Duryea Borough, **Luzerne County**. The plant is classified as a pressed and blown glass and glassware facility. Sources at the facility have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. Actual emissions reported by the permittee to the Department include CO: 0.18 tpy, Lead: 0.079 tpy, NO_x: 80.03 tpy, PM₁₀: 0.234 tpy, PM_{2.5}: 0.234 tpy, SO_x: 0.116 tpy and VOCs: 0.41 tpy. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

13-00008: Kovatch Mobile Equipment (One Industrial Complex, Nesquehoning, PA 18240) for renewal of a Title V Operating Permit to Kovatch Mobile Equipment in Nesquehoning Borough, **Carbon County**.

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a renewal Title V Operating Permit to Kovatch Mobile Equipment, located in Nesquehoning Borough, Carbon County. Kovatch *Mobile Equipment, contact regarding this application is Mr. Edward Kline, One Industrial Complex, Nesquehoning, PA 18240.

The facility sources include: six (6) boilers, sixteen (16) paint booths, one (1) paint line, one (1) metal arc welding source, one (1) solvent cleaning source and one (1) adhesives and sealant source. The facility’s pollutants of concern are volatile organic compounds, particulate matter and sulfur oxides. The facility is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed renewal Title V operating permit will incorporate all applicable air quality requirements for each significant source at the facility.

Copies of the Title V applications, DEP’s analysis and other relevant documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the

address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person(s) submitting the comments, the reference number of the proposed permit (specifically permit #13-00008) and concise statements regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or in the *Pennsylvania Bulletin*, or by telephone, where the DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Norman Frederick, Chief, Facilities Permitting Section, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 19711-0790, (570) 826-2511. For additional information, contact Vinod Patel, Permit Reviewer, Air Quality Program at the same address and phone number.

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

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

28-05003: Columbia Gas Transmission LLC (1700 MacCorkle Avenue SE, Charleston, WV 25325) for the Greencastle Natural Gas Compressor Station in Montgomery Township, **Franklin County**. This is a renewal of the facility's Title V operating permit.

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

The plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G. The station's four gas turbines are subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. A 150 horsepower emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Actual facility emissions for 2011 included 50.7 tons of nitrogen oxides, 5.5 tons of volatile organic compounds and 15.5 tons of carbon monoxide.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. Dan Husted, Facility Permitting Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

62-00017: United Refining Co. (15 Bradley Street, Box 780 Warren, PA 16365-0780) to issue a Title V Operating Permit (renewal) for their refinery in Warren City, **Warren County**. The facility's major emission sources include five (5) natural gas/oil fired boilers, FCC heater, D.H.T heater No. 1 and No. 2, east and west reformer heaters, crude heaters (North & South), pretreater heater, saturated gas plant (debut) reboiler, vacuum process heater, prefraction at or reboiler No. 2, volcanic heater, miscellaneous tank heaters, blow down system, Claus sulfur plant No. 2, east and middle FCC KVG compressors, NSPS and State fugitive emissions, storage tanks, FCC unit, Sat Gas KVG compressor, Loading Rack Bottom Loading, waste water separators, Sulfur Plant Hot Oil Heater, emergency engines, and parts washers.

The refinery sources are subject to the New Source Performance Standards (NSPS) in 40 CFR 60, Subpart J, Subpart Kb, Subpart VV, Subpart GGG, Subpart GGGa. The Benzene operations from the facility are subject to Part 61, Subpart FF. The facility is subject to the National Emission Standards for Hazardous Air Pollutant (NESHAP) in 40 CFR Part 63 Subpart ZZZZ (for Sources 113 and 114) for the Reciprocating Internal Combustion Engines. The FCC unit, reformers, and sulfur recovery are subject to Subpart UUU. Several of the refinery sources are subject to Subpart CC and the facility is subject to Subpart GGGGG (for Source 111) for the Remediation Material Management Units. The facility is subject to the new boiler NESHAP finalized in 2011, Subpart DDDDD.

The facility is major for Nitrogen Oxide (NO_x) and therefore subject to Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. The facility is also major for sulfur oxides (SO_x). There are no sources in the facility that are subject to Compliance Assurance Monitoring (CAM) requirements in 40 CFR Part 64 because the sources are already subject to NESHAP requirements developed after November 15, 1990 (See 40 CFR Section 64.2(b)).

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 62-00017) and

concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, 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 determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. John F. Guth, Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew M. Williams, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

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

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

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

40-00070: Berwick Offray LLC—Salem Township Plant (Ninth and Bomboy Lane, Berwick, PA 18603, Salem Township, PA 18603) for commercial printing and gravure manufacturing in Salem Township, **Luzerne County**. The primary sources consist of extrusion lines, presses, storage silos, pellet mixing tank, and reclaim system. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

36-03040: Wengers Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) for operation of a feed mill in Mount Joy Township, **Lancaster County**.

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

The subject facility's actual emissions are expected to be one ton per year of CO, one ton per year of NO_x and two tons per year of PM.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions for Boiler #1

(Source 128) include provisions derived from 40 CFR 63 Subpart JJJJJJ. The facility is also subject to 40 CFR 63 Subpart DDDDDDD since the permittee manufactures more than 50 tons of pelleted feed and has ingredients that include Chromium and Manganese

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

A person may oppose the proposed permit renewal, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. Mr. Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

30-00109: Equitrans, LP (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for transmission of natural gas at the Rogersville Compressor Station in Center Township, **Greene County**. This is a State Only Operating Permit Renewal application submittal.

65-00235: Alcoa, Inc. (100 Technical Drive, Alcoa Center, PA 15069) to authorize the continued operation of their Research and Development facility in the Upper Burrell Township, **Westmoreland County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Alcoa Technical Center to authorize the continued operation of their Research and Development facility located in the Upper Burrell Township, Westmoreland County. The facility consists of five natural gas fired Boilers (rated from 36 mmBtu/hr to 10.4 mmBtu), Foil product coater/Laminator, Aluminum-Lithium Casting Operation, Isostatic Operation, Skim & Refractory Operation and three Emergency Generators.

The facility has baghouses to control emissions of particulate matter (PM) and a thermal oxidizer. Emissions from this facility are 1.5 ton per year of PM₁₀, 36 tons per year of NO_x, and 4.0 tons per year of VOCs. The proposed SOOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection,

400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (SOOP-65-00235), 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.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

37-00218: Young Galvanizing (PO Box 334, Pulaski, PA 16143-0334), to issue the renewal of the State Only Operating Permit for the metal galvanizing operations located in Pulaski Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include a large and small zinc kettle, parts washer, a boiler, and miscellaneous combustion process heaters. The potential emissions from the facility are less than the following: 7 TPY NO_x; 5.4 TPY CO; 5.1 TPY PM; 0.04 TPY SO_x; 0.34 TPY VOC; 1.84 TPY zinc chloride; and 4.2 TPY ammonium chloride. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

58-399-050: Williams Field Services Company LLC (1605 Coraopolis Heights Road, Moon Twp., PA 15108) for construction of seven CAT engines and three Dehydrators/reboilers at their Church Compressor Station for their facility to be in Dimock Township, **Susquehanna 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 Williams Field Services Company LLC (1605 Coraopolis Heights Road, Moon Twp., PA 15108) for their facility to be located in Dimock Twp., Susquehanna County. This Plan Approval No. 58-399-050 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-050 is for the construction of seven CAT engines and three Dehydrators/reboilers at the Church Compressor Station. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the

facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. 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.

The facility is subject to NSPS Subpart JJJJ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT & NSPS Subpart JJJJ requirements. 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 18701-1915.

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.: 58-399-050, 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 18701-1915, 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

26961602 and NPDES No. PA0214892. Bullsken Tipple Company, (2927 Pittsburgh Street, Perryopolis, PA 15473). To renew the permit for the Bullsken Tipple in Connellsville Township, **Fayette County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 2, 2012. Application received: January 9, 2012.

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

56060104 and NPDES No. PA0249963. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 107.2 acres. Receiving stream(s): unnamed tributaries to/and Hinson Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority, Border Dam intake, on Stonycreek River. Application received: September 26, 2012.

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

65-12-01 and NPDES Permit No. PA0252247. David J. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Government Financed Contractual Contract application for commencement, operation and reclamation for reclamation project to abandoned mine lands, located in Loyalhanna Township, **Westmoreland County**, affecting 15.9 acres. Receiving streams: Getty Run and unnamed tributaries to Getty Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 6, 2012.

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

16920107. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous surface mine in Perry Township, **Clarion County** affecting 274.0 acres. Receiving streams: Unnamed tributaries to Cherry Run, classified for the following uses: CWF. This renewal is for reclamation only. Application received: September 27, 2012.

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

54860110R5. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass and Foster Townships, **Schuylkill County** affecting 99.0 acres, receiving stream: West Branch Schuylkill River. Application received: September 24, 2012.

Noncoal Applications Received

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

53120301. Glenn O. Hawbaker, Inc. (1952 Waddle Road, Suite 203, State College, PA 16803-1649). Commencement, operation and restoration of a large noncoal surface mine (sandstone) located in Roulette Township, **Potter County** affecting 58.5 acres. Receiving streams: Trout Book to Allegheny River classified as Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 19, 2012.

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

40120301. Hanover Nursery, (5 Crystal Street, Hanover Township, PA 18706), commencement, operation and restoration of a sand and gravel quarry operation in Plymouth Township, **Luzerne County** affecting 61.0 acres, receiving stream: Susquehanna River, classified for the following use: warm water fishes. Application received: September 26, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

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

*The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania*

Bulletin and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0269034 (Mining permit no. 56120109), Mountaineer Mining Company, 1010 Garrett Shortcut Road, Berlin, PA 15530, a new NPDES permit for mining in Stonycreek Township, **Somerset County**, affecting 127.1 acres. Receiving stream(s): unnamed tributary to Schrock Run and Schrock Run, classified for the following use(s): cold water fishery. These receiving streams are included in the Kiskiminetas-Conemaugh TMDL. Application received: May 30, 2012.

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

The treated wastewater outfall listed below discharges to an unnamed tributary to Schrock Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond 1	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Sulfates (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall listed below discharges to an unnamed tributary to Schrock Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002—Sediment Pond 1	Y

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Sulfates (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0268976 (Mining permit no. 32120101), Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, a new NPDES permit for mining in East Wheatfield Township, **Indiana County**, affecting 210.2 acres. Receiving stream(s): unnamed tributary to Blacklick Creek and unnamed tributary to/and Mardis Run, classified for the following use(s): cold water fishery. These receiving streams are included in the Kiski-Conemaugh TMDL. Application received: February 29, 2012.

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

There are no proposed surface discharges from the facilities listed below due to the implementation of non-discharge alternatives.

The outfall(s) listed below will be using non-discharge alternatives:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond 1	Y
002—Sediment Pond 2	Y
003—Treatment Pond A	Y
004—Treatment Pond B	Y
005—Treatment Pond C	Y

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

NPDES No. PA0258334 (Permit No. 33070103), Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Renewal of an NPDES permit for a bituminous surface mine in Ringgold & Redbank Townships, **Jefferson & Armstrong Counties**, affecting 165.5 acres. Receiving streams: Unnamed tributaries to Painter Run, classified for the following uses: CWF. TMDL: Pine Run. Application received: April 17, 2012.

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

The outfall(s) listed below discharge to unnamed tributary No. 1 to Painter Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to Painter Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0259036 (Permit No. 10120102). Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Parker & Perry Townships, **Butler & Armstrong Counties**, affecting 70.3 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek, classified for the following uses: CWF. TMDL: None. Application received: June 5, 2012.

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

The outfall(s) listed below discharge to unnamed tributaries E & F to South Branch Bear Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries E & F to South Branch Bear Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1	Y
SP2	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0259314 (Permit No. 33120104). Twin Brook Coal, Inc. (P. O. Box 225, Clymer, PA 15728) New NPDES permit for a bituminous surface and auger mine in Knox Township, **Jefferson County**, affecting 44.5 acres. Receiving streams: Two unnamed tributaries to Indiancamp Run, classified for the following uses: CWF. TMDL: Redbank Creek. Application received: August 16, 2012.

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

The outfall(s) listed below discharge to unnamed tributary No. 1 to Indiancamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
SP-1 (Dry Weather)	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary No. 2 to Indiancamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-2 (Dry Weather)	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		1.9	3.8	4.75
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Indiancamp Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-1 (Wet Weather)	Y
SP-2 (Wet Weather)	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1083. Township of Cheltenham 8230 Old York Road, Cheltenham, PA, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District

To perform the below water obstruction and encroachment activities associated with Streambank stabilization and improvement in Tookany Creek (WWF, MF) within the limits of the Ralph Morgan Park:

- 1) To construct and maintain approximately 1,146 linear feet of log crib-face vegetative streambank stabilization structures along the stream.
- 2) To remove a non-functional abutment and drainage structure that obstructs the stream channel.
- 3) To maintain the existing rip-rap along the stream the stream

The project commences at the intersection of Glenside and Greenwood Avenues and runs approximately 1,146 feet southwest terminating approximately 90 feet south of the SEPTA Parking Lot. The project is located in Cheltenham Township, Montgomery County (German-town, PA USGS Quadrangle N: 17.00 inches; W: 1.90 inches).

E46-1085. Dean A. Miller, Borough of Norristown, 235 East Airy Street, 2nd Floor, Norristown, PA 19401, Borough of Norristown, **Montgomery County**, ACOE Philadelphia District.

To install and maintain the post-aeration system consisting of two partially exposed underground tanks at the existing Norristown Municipal Wastewater Treatment Plant in the floodway of the Schuylkill River (CWF-MF) associated with increasing Dissolved Oxygen level of the discharge.

The site is located approximately 250 feet southwest of the intersection of Ford Street and East Washington Street (Norristown, PA, USGS Quadrangle N: 19.60 inches; W: 12.10 inches).

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E54-354. Eagle Rock Resort Co., 1 Country Club Road, Hazle Township, PA 18202, in East Union Township, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a road crossing of Little Tomhicken Creek (CWF) consisting of an open-bottom 20'-8" by 6'-2" structural plate arch culvert with upstream and downstream ends mitered to slope and protected with R-7 riprap. The purpose of the road crossing is to provide access to the Eagle Rock Resort, Hidden Forest Residential Subdivision, Phase 2. The project is located on the west side of SR 1005 (Nuremberg Road) approximately 0.4 mile north of its intersection with Cove

Mountain Drive (Nuremberg, PA Quadrangle, Latitude: 40°54'30"; Longitude: -76°8'23").

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

E05-366. Frederick and Cheryl Veith, 420 Midway Road, Buffalo Mills, Pennsylvania 15534 (Residential Access Road Bridge Construction), in Londonderry Township, **Bedford County**, ACOE Baltimore District

To: 1) construct and maintain a 24.0-foot long × 12.0-foot wide bridge over Mill Run Creek which is a perennial stream classified as High Quality-Cold Water Fishery, 2) place and maintain R-6 on both the left and right floodways with average dimensions of 10.0 feet wide × 20.0 feet long × by 1.5 feet high, and 3) place and maintain fill on both the left and right floodways with average dimensions of 20.0 feet wide × 25.0 feet long × by 1.5 feet high. The project proposes to directly affect a total of 5,000.0 square feet of floodway (Hyndman, PA Quadrangle; Latitude: 39°52'7.5", Longitude: -78°40'59.8").

E36-910. County of Lancaster, 150 North Queen Street, Suite 612, Lancaster, Pennsylvania 17603, Conestoga Creek #6 (Pinetown Road) Covered Bridge Rehabilitation, in Upper Leacock and Manheim Township, **Lancaster County**, ACOE Baltimore District

To remove, rehabilitate, and reset the existing historical wooden covered bridge over the Conestoga Creek (River). The abutments and approaches will be raised two feet at the existing location to place bridge above the 100-year flood elevation. The bridge was damaged and partially moved off its foundation by the 2011 hurricane. The project is located on Bridge Road, near the intersection of Pinetown Road (Leola, PA Quadrangle; Latitude: 40°06'20.2"N, Longitude: -76°14'53.5"W).

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

E08-480. DMP Northern Tier, LP, 1952 Waddle Road, Suite 203, State College, PA 16803-1649, Wysox Shopping Center, in Wysox Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 41°46'43.7" inches; W: -76°23'35.4" inches).

To: 1) fill 2.33 acres of wetlands and to construct and maintain: 2) 3.43 acres of replacement wetlands, 1.51 acres of wetland enhancement and 0.93 acre of riparian buffer enhancement, 3) four 24-inch culverts with lengths of 53-feet, 75-feet, 105-feet and 339-feet to convey wetland or ephemeral stream water under the proposed fill, all of which are tributary to Wysox Run located 0.5 mile east on SR 187 from its intersection with SR 6 in order to create a new shopping center. This project proposes to permanently impact 2.33 acres of Palustrine Emergent wetlands and 566 linear feet of an ephemeral tributary of Wysox Creek, which is classified as a Cold Water Fishery.

E41-638. Keystone Clearwater Solutions, LLC, PO Box 797, Hersey, PA 17033-0797, Lycoming Creek -2 Intake Modification, in Lewis Township, **Lycoming County**, ACOE Baltimore District (Bodines, PA Quadrangle N: 41°26'14.4"; W: -76°59'41").

To place and maintain a second mobile water withdrawal station consisting of a 13.5-inch diameter by 36-inch intake strainer, 6-inch diameter pump suction line, pump station on a trailer, and digital flow meter on the right side of Lycoming Creek in order to increase the existing surface water withdrawal rate and not increase the withdrawal velocity any higher than 0.5 feet per

second at the site located 3,636 feet southwest of the intersection of SR 14 and Brannaka Drive. This project proposes to permanently impact 200 square feet of the streambed of Lycoming Creek, which has an Existing Use classification of Exceptional Value.

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

E04-341. Georgetown Sand and Gravel, P. O. Box 127, Georgetown, PA 15043; Greene Township, Beaver County; ACOE Pittsburgh District.

Applicant proposes to operate and maintain the existing barge mooring facility and to construct and maintain an addition to the existing barge mooring facility in the channel and along the left bank of the Ohio River (WWF-N) for the purpose of mooring barges. The barge mooring facility will be approximately 3,315.0 feet in length x 245.0 feet in width, is located at Mile Post 37.8—38.2 (Midland, PA Quadrangle N: 3.2 inches; W: 14.65 inches; Latitude: 40° 38' 33"; Longitude: 80° 28' 50") in Greene Township, Beaver County and will impact approximately 3,315.0 linear feet of stream channel.

E02-1677. Joseph P. Lisowski, 66 McMichael Road, Carnegie, PA 15106; Collier Township, Allegheny County; ACOE Pittsburgh District.

Applicant proposes to operate and maintain the existing pond that consisted of widening the channel of an Unnamed Tributary to Robinson Run (WWF) located on the east side of McMichael Road, approximately 4,400.0 feet south from the intersection of McMichael Road and Baldwin Road (Oakdale, PA Quadrangle N: 6.3 inches; W: 2.2 inches; Latitude: 40° 24' 35.2" Longitude: 80° 8' 24.1") in Collier Township, Allegheny County.

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

E33-248, Troutville Borough. 130 Grant Road, Troutville PA 15866, Troutville Borough Sewer Installation Project, in Henderson Township, **Jefferson County**, ACOE Pittsburgh District (Troutville Borough, PA Quadrangle N: 41°, 01', 29"; W: 78°, 47', 13").

To install by directional drilling approximately 31,000 linear feet of sewer line in Jefferson and Clearfield Counties. The portion of the project in Jefferson County will involve installation of approximately 11,250 feet of sewer line including 4 wetland crossings (1,043 LF total) and 4 stream crossings (Poose Run and 3 UNTs Poose Run—CWF). All crossings will be directional drilled to a depth of at least 3 feet below streams and wetlands, and where possible, launch pits will be placed at least 50 feet from streams and wetlands. Project will also include 1 temporary wetland crossing to provide equipment access to a launch pit located adjacent to a large wetland.

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

E5829-007. Chesapeake Appalachia, LLC; 101 North Main Street, Athens, PA 18810; Rush Township, Susquehanna County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 34 inch x 53 inch x 50 feet long elliptical RCP culvert on an Unnamed Tributary to Wyalusing Creek (WWF) impacting 50 linear feet (370 square feet) (Lawton, PA Quadrangle; N 41° 47' 48" Lat., W -76° 4' 17" Long.).

2) a 30 inch x 43.5 feet long culvert on an Unnamed Tributary to Wyalusing Creek (WWF) impacting 44 lineal

feet (75 square feet) (Lawton, PA Quadrangle; located at N 41° 47' 52" Lat., W -76° 4' 14" Long.).

The project will result in the impact of 109 lineal feet (445 square feet) of an Unnamed Tributary to Wyalusing Creek all for the purpose of constructing an access road for the Hare Ridge well site. No wetland impacts are associated with this application.

E5829-039. Susquehanna Gathering Company 1, LLC; PO Box 839, New Milford, PA 18834; Harford Township, Susquehanna County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 20 foot wide permanent access road impacting 5,586 square feet (0.13 acre) of PEM wetland (Montrose East, PA Quadrangle; located at N 41° 48' 35" Lat., W -76° 45' 49" Long.).

2) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber mat crossing impacting 11,305 square feet (0.26 acre) of PEM wetland (Montrose East, PA Quadrangle; located at N 41° 48' 38" Lat., W -76° 45' 49" Long.).

3) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber mat bridge crossing impacting 54 lineal feet of an unnamed tributary to East Branch of Martins Creek (CWF) (Montrose East, PA Quadrangle; located at N 41° 48' 44" Lat., W -76° 45' 27" Long.).

The project will result in the impact of 54 lineal feet of an unnamed tributary to East Branch of Martins Creek and 0.39 acre of wetlands impacts, of which 0.13 acre are permanent wetland impacts. The project is all for the purpose of constructing a natural gas pipeline to connect Well Pad 53 to previously permitted gas gathering lines for conveyance to market.

E5929-036: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, Tioga County, ACOE Baltimore District.

To construct, operate, and maintain a permanent road crossing using six 34 foot long precast concrete box culverts impacting 65 linear feet of Canoe Camp Creek (CWF) and 1,415 square feet of a palustrine emergent (PEM) wetland. The hydraulic opening of each culvert measures 12 feet wide by 5 feet tall (Mansfield, PA Quadrangle 41°45'50"N 77°02'56"W).

The project will result in 65 linear feet of temporary stream impacts and 1,415 square feet (0.03 acre) of temporary wetland impacts, and 330 square feet (0.01 acre) of permanent wetland impacts, all for the purpose of installing a well site access road in Richmond Township, Tioga County.

E5829-040. Susquehanna Gathering Company 1, LLC; PO Box 839, New Milford, PA 18834; Jackson and Thompson Townships, Susquehanna County, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber bridge crossing impacting 54 lineal feet of an unnamed tributary to South Branch Canawacta Creek (CWF) (Susquehanna, PA Quadrangle; N 41° 52' 47" Lat., W -75° 33' 39" Long.).

2) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber bridge crossing impacting 54 lineal feet of an unnamed tributary

to South Branch Canawacta Creek (CWF) (Susquehanna, PA Quadrangle; N 41° 52' 44" Lat., W -75° 33' 42" Long.),

3) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber bridge crossing impacting 52 lineal feet of an unnamed tributary to South Branch Canawacta Creek (CWF) (Susquehanna, PA Quadrangle; N 41° 52' 54" Lat., W -75° 34' 13" Long.),

4) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber mat crossing impacting 2,614 square feet (0.06 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 52' 54" Lat., W -75° 34' 13" Long.),

5) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber mat crossing impacting 436 square feet (0.01 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 52' 44" Lat., W -75° 33' 42" Long.),

6) a 12 inch diameter and 16 inch diameter natural gas steel gathering line and a temporary timber mat crossing impacting 871 square feet (0.02 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 52' 47" Lat., W -75° 33' 39" Long.),

The project will result in the impact of 160 lineal feet of an unnamed tributary to South Branch Canawacta Creek and 0.09 acre of temporary wetlands impacts. The project is all for the purpose of constructing a natural gas pipeline to connect Well Pad 69 to the previously permitted Bluestone Pipeline Company gas gathering lines for conveyance to market.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D43-019. Mr. Patrick O'Mahony, Buhl Farm Trust, P. O. Box 709, Sharon, PA 16146-1590. Hermitage City, **Mercer County,** ACOE Pittsburgh District.

Project proposes to remove approximately 6 acres of accumulated silts and sediments from the reservoir impounded by the Buhl Park Dam located across Thornton Run (WWF) (Sharon East, PA Quadrangle, Latitude: 41.2492; Longitude: -80.4844).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

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

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12019	Altoona GTL, LLC 10 Gilberton Road Gilberton, PA 17934 Attn: Robert Hoppe	Blair	Allegheny and Blair Townships	3 ASTs storing gasoline and methanol	1,440,000 gallons total

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0044270 (Sewage)	Keystone MHP STP 5230 Keystone Road Laurys Station, PA 18059-1224	Lehigh County North Whitehall Township	Lehigh River (2-C)	Y
PA0060038 (Sewage)	Saber Healthcare Group Julia Ribauda Extended Care Center 1404 Golf Park Road Lake Ariel, PA 18436	Wayne County Lake Township	Unnamed Tributary to Ariel Creek High Quality Cold Water Fishes Watershed (1-C)	Y
PA0062065 (Sewage)	YRC Wilkes-Barre Terminal 1284 South Main Road Mountain Top, PA 18707	Luzerne County Dorrance Township	Balliet Run Cold Water Fishes (5-B)	Y
PA0061093 (Sewage)	Monroe Career & Technical Institute Laurel Lake Drive Bartonsville, PA 18321	Monroe County Pocono Township	Unnamed Tributary to Pocono Creek High Quality Cold Water Fishes (1-E)	Y

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>
PA0086487 Stormwater	PPG Industries, Inc. 400 Park Drive Carlisle, PA 17015-9271	Cumberland County South Middleton Township	Yellow Breeches Creek / 7-E	Y

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

<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>
PA0093181 Industrial Waste	Industrial Wastes, LLC Darlington, PA 16115	Beaver County Darlington Township	East Fork Stateline Creek	Y
PA0205656 Industrial Waste	Kinder Morgan Dravosburg Terminal 702 Washington Avenue PO Box 253 Dravosburg, PA 15034-0253	Allegheny County Dravosburg Borough	Monongahela River	Y

<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>
PAS206101 Industrial Waste	Dynamic Materials Corporation Ohioyle Road Dunbar, PA 15431	Fayette County Dunbar Township	Dunbar Creek	Y
PA0031470 Sewage	Penns Manor Area School District 6003 Route 553 Highway Clymer, PA 15728-8318	Indiana County Cherryhill Township	Rose Run	Y
PA0217271 Sewage	Kilbuck Run STP 195 Red Mud Hollow Road Pittsburgh, PA 15237	Allegheny County Ohio Township	Kilbuck Run	Y
PA0095940 Sewage	Albert Gallatin Swaney Elementary School 2625 Morgantown Road Uniontown, PA 15401-6703	Fayette County Georges Township	York 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. PA0030228, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19355.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES individual permit to discharge 0.0181 mgd of treated sewage from a facility known as Keats Glen STP to Unnamed Tributary to Beaver Creek in Watershed 3-H.

NPDES Permit No. PA0042021, Sewage, **Milford-Trumbauersville Area Sewer Authority**, 1825 Rosenberger Road, P. O. Box 126, Spinnerstown, PA 18967.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.8 MGD of treated sewage from a facility known as Milford-Trumbauersville STP to Unami Creek in Watershed 3-E.

NPDES Permit No. PA0058131, Sewage, **Warren A. Jefferis**, 1739 Pottstown Pike, Glenmoore, PA 19343-2642.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 800 GPD of treated sewage from a facility known as Jeffries SRSTP to Beaver Run in Watershed 3-D.

NPDES Permit No. PA0030571, Sewage, **New Life Youth & Family Services**, 585 Freeman School Road, Schwenksville, PA 19473.

This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.0225 MGD of treated sewage from a facility known as New Life Youth & Family Service STP to Unnamed Tributary to East Branch Perkiomen Creek in Watershed 3-E.

NPDES Permit No. PA00262471, Sewage, **Hatfield Township STP**, 3200 Advance Lane, Colmar, PA 18915.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge an annual flow of 6.43 MGD of treated sewage from a facility known as Hatfield Township STP to West Branch Neshaminy Creek in Watershed 2-F.

NPDES Permit No. PA0055476, Sewage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, P. O. Box 816, Chadds Ford, PA 19317.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.08 mgd of treated sewage from a facility known as Ridings of Chadds Ford STP to Unnamed Tributary to Harvey Run in Watershed 3-H.

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

NPDES Permit No. PA0254592, Sewage, **Cindy Kerr**, Power of Attorney, 65 Spring Valley Road, Washington, PA 15301

This proposed facility is located in South Franklin Township, **Washington 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. WQG02231205, Sewage, **Castleway Properties LLC**, 10 Industrial Highway, Mail Stop 1, E Building, Suite 101, Lester, PA 19113.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. 1504407, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335.

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

Description of Action/Activity: Approval for renewal of existing WQM Part II Permit to allow a subsurface of sewage via the Hideaway Farm Seepage Beds located in East Brandywine Township.

WQM Permit No. 4696413, Sewage, **Borough of Lansdale**, One Vine Street, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Action/Activity: Amendment to allow an increase in the treatment plant annual average flow from 2.6 mpd to 3.2 mgd.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 3911401, Sewage, SIC Code 4952, **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032.

This proposed facility is located in the Borough of Catasauqua, **Lehigh County**.

Description of Proposed Action/Activity: This project involves construction of an effluent pumping station at the Borough of Catasauqua's existing wastewater treatment plant.

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

WQM Permit No. 0676206 Amendment 12-1, Industrial Waste, **GenOn REMA, LLC**, 121 Champion Way, Canonsburg, PA 15317-5817.

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

Description of Proposed Action/Activity: The abandonment of monitoring wells IWT-1, 5, and 7 in accordance with the Water Well Abandonment Guidelines in the Groundwater Monitoring Guidance Manual. The continued quarterly monitoring of monitoring well IWT-2, 3, and 4. The addition of quarterly monitoring of monitoring well IWT-6.

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

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

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

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 0412401, Sewerage, **North Sewickley Township Sewer Authority**, 1160 Mercer Road, Beaver Falls, PA 15010

This proposed facility is located in North Sewickley Township, **Beaver County**

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

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

WQM Permit No. 6312406, Sewerage, **Cindy Kerr**, Power of Attorney, 65 Spring Valley Road, Washington, PA 15301

This proposed facility is located in South Franklin Township, **Washington County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512005	UGI Utilities, Inc. 2121 City Line Road Bethlehem, PA 18017	Monroe	Pocono Twp., Paradise Twp., Coolbaugh Twp., Mt. Pocono Bor.	UNT to Red Run, HQ-CWF, MF; Yankee Run, HQ-CWF, MF; Forest Hills Run, HQ-CWF, MF; UNT to Forest Hills Run, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032105002R	The McNaughton Company 4400 Deer Path Road, Suite 201 Harrisburg, PA 17110	Cumberland	South Middleton Township	Yellow Breeches Creek (HQ-CWF, MF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County PAG0200 0912044	Falls Township 188 Lincoln Highway, Ste 100 Fairless Hills, PA 19030	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Plumstead Township Bucks County	PAG0200 0912043-R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Geddes Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0912061	RES-PA One, LLC c/o Rialto Capitol Advisors 700 NW 07 Avenue, Ste 400 Miami, FL 33172	Pine Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County City of Philadelphia Philadelphia County	PAG0200 0911080-1	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	Unnamed tributary Neshaminy Creek (TSF-MF); Poquessing Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0912051	Township of Falls Lincoln Highway, Suite 100 Fairless Hills, PA 19030	Rock Run/Martins Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Rockhill Township Bucks County	PAG0200 0912066	Lake Nockamixon, LLC 333 Greenwich Avenue Greenwich, CT 06830	Lake Nockamixon/ Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Edgmont Township Delaware County	PAG0200 2310008-R	Hellings Builders 602 Foxglove Drive Morton, PA 19070	Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chadds Ford Township Delaware County	PAG0200 2310006-R	Ridge Road Investments, LP 234 North James Street Newark, DE 19804	Beaver Creek (CWF-MF); Harvey Run (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAG0200 2312021	Baker Residential of PA, LLC 31 Creek Parkway, Suite 220 Boothwyn, PA 19061	Unnamed Tributary Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Radnor Township Delaware County	PAG0200 2311002-R	Villanova University 800 Lancaster Avenue Villanova, PA 19085	Mill Creek (TSF); Ithan Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG0200 2312024	Township of Haverford 2325 Darby Road Havertown, PA 19083	Darby Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Upper Gwynedd Township Montgomery County	PAG0200 4612049	Hubert & Karen Jasinski 1141 Smile Lane Lansdale, PA 19446	Towamencin Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAG0200 4607136-2	Kevin O'Flaherty 1325 Sunneytown Pike Gwynedd Valley, PA 19437	Trewellyn Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4612036	David Stoklosa 815 West Whitney Road Fairport, NY 14450	West Branch Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hanover Twp., Luzerne County	PAG02004012003	Mericle 3 Great Valley, LLC Robert Mericle East Mountain Corporate Center 100 Baltimore Dr. Wilkes-Barre, PA 18702	Garringer Creek, CWF; Warrior Creek, CWF	Luzerne Co. Cons. Dist. 570-674-7991
Mahoning Twp. and Lehighton Borough, Carbon County	PAG2001309007R	Carbon County Commissioners P. O. Box 129 Jim Thorpe, PA 18229	Lehigh River, TSF, MF; Beaver Run, CWF, MF	Carbon Co. Cons. Dist. 610-377-4894
Whitehall Twp., Lehigh County	PAG02003909006(1)	Coplay-Whitehall Sewer Authority John Schreiner 3213 MacArthur Rd. Whitehall, PA 18052	Coplay Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Plymouth Twp., Luzerne County	PAG02004012013	Plymouth Township 925 West Main St. Plymouth Twp., PA	Harvey's Creek, CWF	Luzerne Co. Cons. Dist. 570-674-7991

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

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Athens Township Bradford County	PAG02000810018R	Cheryl Wood- Walter Athens Twp 45 Herrick Ave Sayre PA 18840	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Loyalsock Township Lycoming County	PAG02004112021	Lawrence Means Rhodes Dev Group Inc PO Box 622 Lemoyne PA 17043	Mill Creek TSF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003

<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 Williamsport Lycoming County	PAG02004112024	David Fagerstrom River Valley Regional YMCA 320 Elmira St Williamsport PA 17701	Graffius Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Hepburn Township Lycoming County	PAG02004112027	George Hutchinson Hutchinson Realty Dev LLC 333 Rose St Williamsport PA 17701	UNT to Lycoming Creek WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Littlestown Borough Adams County	PAG02000110017R	John A. Kemp Royal Farms 3611 Roland Avenue Baltimore, MD 21211	Alloway Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Oxford Township Adams County	PAG02000112021	Clair Hoover Jr. Clair Hoover Sr. 3028 Spooky Nook Road Manheim, PA 17545	Pine Run Tributary/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Mount Penn Borough Berks County	PAG02000612019	John Zaharchuk Summit Realty Advisors, LLC 610 West Germantown Pike, Suite 100 Plymouth Meeting, PA 19462	Antietam Creek/ CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Hampden Township Cumberland County	PAG02002112020	Jeffery Camp Vision Group Ventures— Tech Park Associates 633 West Germantown Pike, Suite 104 Plymouth Meeting, PA 19462	UNT to Sears Run/ WWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Susquehanna and Lower Paxton Townships Dauphin County	PAG02002212036	UD Properties 750 East Park Drive Harrisburg, PA 17111	Paxton Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

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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>
Lower Paxton Township Dauphin County	PAG02002212029	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek/ WWF and Beaver Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02002212031	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Milford Township Juniata County	PAG02033412001	St. Stephens Evan Lutheran Church Board of Trustees 8489 Licking Creek Road Mifflintown, PA 17059	Tributary #11867 to East Licking Creek/CWF-MF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953
Walker Township Juniata County	PAG02033410004	Juniata Lumber & Supply Company, Inc. 5166 West River Road Mifflintown, PA 17059	Juniata River/WWF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953
Spruce Hill Township Juniata County	PAG02033412002	Pennsylvania Electric Company 2800 Pottsville Pike PO Box 16001 Reading, PA 19612-6001	UNT Tuscarora Creek/CWF-MF	Juniata Co. Conservations District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717.436.8953
Springfield Township York County	PAG02006709060R	Timothy Pasch 2645 Carnegie Road York, PA 17402	Fishel Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
East Manchester Township York County	PAG02006705070R	Vas-Land, Inc. 336 West King Street Lancaster, PA 17603	Hartman Run/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Loganville Borough York County	PAG02006706121R	Kinsley Equities 6259 Reynolds Mill Road Seven Valleys, PA 17360	Codorus Creek/ WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*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>
Fairview Township York County	PAG02006712011	Pennsylvania Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Marsh Run/WWF, Susquehanna River Basin/MF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township York County	PAG02006712026	Spring Valley Mulch 2770 Mill Creek Road Dover, PA 17315	UNT of Little Conewago Creek/ TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago and Dover Townships York County	ESCGP 6712801	NiSource/Columbia Gas Transmission, LLC 1700 MacCorkel Avenue SE Charlestown, WV 25314	Fox Run/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
North Codorus Township York County	PAG02006712033	Glatfelter 228 South Main Street Spring Grove, PA 17362	Main Stem Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Manchester Township York County	PAG02006712019	York Railway Company 2790 West Market Street York, PA 17404-5531	UNT to Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township York County	PAG02006706040(1)	U.S. Home Corp D.B.A. 'Lennar' 10211 WincoPin Circle, Suite 300 Columbia, MD 21044	Little Conewago Creek/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

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

*Facility Location:
Municipality &
County*

<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>
Somerset Township Somerset County	PAG02005612006	Somerset Township Municipal Authority PO Box 247 Somerset, PA 15501	UNT to East Branch of Coxes Creek (WWF) Wells Creek (CWF) Kimberly Run (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4352
Cecil Township Washington County	PAG02006308008-1	The Meritage Group 772 Pine Valley Drive Pittsburgh, PA 15239	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

NOTICES

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<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>
Independence Township Cross Creek Township Washington County	PAG02006308013-2	Independence- Cross Creek Joint Sewer Authority 34 Campbell Street PO Box 156 Avella, PA 15312	Cross Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
South Franklin Township Washington County	PAG02006312038	PA American Water Company 300 Galley Road McMurray, PA 15317	UNT to Ten Mile Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
East Huntingdon Township Westmoreland County	PAG02006510018R	Pennsylvania Department of Transportation Dist. 11-0 PO Box 459 North Gallatin Avenue Ext. Uniontown, PA 15401 & Swank Construction Company, LLC 632 Hunt Valley Circle New Kensington, PA 15068	Jacobs Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Municipality of Murrysville Westmoreland County	PAG02006512015	Summit Apartments, Inc. 3000 Lillian Avenue Murrysville, PA 15668	UNT to Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township Westmoreland County	PAG02006512022	Saint Vincent Cemetery Corporation 300 Fraser Purchase Road Latrobe, PA 15650	UNT to Four Mile Run (CWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006512024	South Greengate Commons Housing, LP 429 4th Avenue Suite 1100 Pittsburgh, PA 15219	UNT to Jack's Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township Westmoreland County	PAG02006512025	Robert Huemme 84 Unity Square Greensburg, PA 15601	UNT to Ninemile Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Cranberry Township Butler County	PAG02001007010R	Albert Singer SCI Development Co. Inc PO Box 97 Mars PA 16045	Wolfe Run WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001004027R	Donald B. Rodgers 215 Executive Drive Cranberry Township PA 16066	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001012035	Charles Betters 3468 Broadhead Road Monaca PA 15061	Breakneck 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>
Adams Township Butler County	PAG02001012040	Christopher J. Kaclik 1272 Mars Evans City Road Evans City PA 16033	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001012041	Eric J. Lamm Kaclik Development Associates LP 215 Executive Drive Cranberry Township PA 16066	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Vernon Township Crawford County	PAG02002012002	Vernon Central Hose Company 16589 McMath Avenue Meadville PA 16335	UNT French Creek WWF	Crawford County Conservation District 814-763-5269
McKean Borough Erie County	PAG02002512013	McKean DPP VII LLC 9010 Overlook Blvd Brentwood TN 37027	Lamson Run at Elk Creek; Great Lakes, Erie Basin CWF	Erie County Conservation District 814-825-643
City of Hermitage Mercer County	PAG02004307010R	James R. Sabatine Marathon Development LLC 1305 Boardman Canfield Road, Suite 2 Boardman OH 44512	Pine Hollow Run WWF	Mercer County Conservation District 724-662-2242

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

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>
Hatfield Township Montgomery County	PAR150003	Penn Color Inc. 2755 Bergey Road Hatfield, PA 19440	Unnamed Tributary to West Branch Neshaminy Creek—2F	Southeast Region Clean Water Program 484.250.5970
1301 Conshohocken Road Plymouth Township Montgomery County	PAR200003	Chemalloy Company Inc. 996 Railroad Avenue P. O. Box 350 Bryn Mawr, PA 19010	Schuylkill River—3F	Southeast Region Clean Water Program 484.250.5970
City of Philadelphia Philadelphia County	PAR800170	Westway Terminal Co. LLC 2900 East Allegheny Avenue Philadelphia, PA 19134	Delaware River—3J	Southeast Region Clean Water Program 484.250.5970
Falls Township Bucks County	PAR800117	Archer Daniels Midland Company 100 Cabot Boulevard East Langhorne, PA 19047	Queen Ann Creek—2E	Southeast Region Clean Water Program 484.250.5970
Whitehall Township, Lehigh County	PAR602220	E. Schneider & Sons, Inc. P. O. Box 908 Allentown, PA 18105	Jordan Creek, TSF, MF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
City of Pittsburgh Allegheny County	PAR216186	Lafarge North America 1954 Greenspring Drive Timonium Two Suite 250 Timonium, MD 21093	Chartiers Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

<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>
Hempfield Township Westmoreland County	PAR806288	Greensburg Yellow Cab Company, Inc. 951 West Pittsburgh Street Greensburg, PA 15601	Zeller's Run	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

General Permit Type—PAG-10

<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>
Harford Township Susquehanna County	PAG102258	Williams Field Service Co. LLC Wilmarth Pipeline Project 1605 Coraopolis Heights Road Moon Township, PA 15108	Unnamed Tributary to Leslie Creek and Unnamed Tributary to Nine Partners Creek—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Springville Township Susquehanna County	PAG102245	Williams Field Service Co. LLC (Sheldon Pipeline Project) 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Thomas Creek, Unnamed Tributary #29398 of Meshoppen Creek and Unnamed Tributary #29399 to Meshoppen Creek—4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Fawn Township Allegheny County	PAG106157	Superior Appalachian Pipeline, LLC 1000 Town Center Way Suite 120 Canonsburg, PA 15317	Little Deer Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

STATE CONSERVATION COMMISSION**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Aaron Hawbaker 6842 Buttermilk Rd. Waynesboro, PA 17268	Franklin	203.5	114.79	Duck	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3612526 MA, Minor Amendment, Public Water Supply.

Applicant	Mr. Louis Korzniecki
Municipality	East Lampeter Township
County	Lancaster
Responsible Official	Louis Korzniecki PO Box 308 Ronks, PA 17572

Type of Facility Flory’s Cottages & Camping—
Installation of 90 feet of 12-inch chlorine contact piping and demonstration of 4-log treatment of viruses.

Consulting Engineer 1—Not Available

Permit to Construct 10/5/2012
Issued:

Operations Permit issued to: **Paul Miller**, 7670009, Hopewell Township, **York County** on 9/5/2012 for the operation of facilities submitted under Application No. 6712517 MA.

Wellhead Protection Program Approval issued to **PA American Water Company—Penn Water District**, 4 Wellington Boulevard, Wyomissing, PA 19610, PWSID 3060069, Lower Heidelberg Township; South Heidelberg Township, Sinking Spring Borough, and Spring Township, **Berks County** on October 1, 2012.

Wellhead Protection Program Approval issued to **PA American Water Company—Penn Water District**, 4 Wellington Boulevard, Wyomissing, PA 19610, PWSID 3060088, Exeter Township and Amity Township, **Berks County** on October 1, 2012.

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

Permit No. MA-4186560EP101—Operation Public Water Supply.

Applicant	First Quality Water & Beverage, LLC
[Township or Borough]	Castanea Township
County	Clinton
Responsible Official	James Vaiana, Environmental Manager First Quality Water & Beverage, LLC 904 Woods Avenue Lock Haven, PA 17745
Type of Facility	Public Water Supply
Consulting Engineer	Gary J. Toplak Toplak & Associates, PC 112 Pineview Road Baden, PA 15005
Permit Issued	October 4, 2012
Description of Action	Operation of a second bottled water fill station and replacement RO elements.

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Country Club Park**
 [Township or Borough] Potter Township
 County **Centre**
 Responsible Official Dick Decker, Supervisor
 Country Club Park
 c/o Potter Township
 124 Short Road
 Spring Mills, PA 16875

Type of Facility Public Water Supply

Consulting Engineer Eric S. Lundy, P.E.
 Nittany Engineering &
 Assoc., LLC
 2836 Earlstown Road, Suite 1
 Centre Hall, PA 16828

Permit Issued October 5, 2012

Description of Action Construction to relocate the existing chlorine injection point in a manhole to inside the treatment building, addition of a continuous free chlorine residual analyzer for future implementation of Groundwater Rule compliance monitoring and verification of 4-log treatment of viruses of Well No. 2 water.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dublin Township	1366 Cole Road Hustontown, PA 17229	Fulton County

Plan Description: Approval of a revision to the official plan of Dublin Township, Fulton County. The project is known as Hustontown Market. The plan provides for construction of a Small Flow Treatment Facility to replace a malfunctioning on-lot sewage system on 1.84 acres. The proposed sewage flows are 950 gallons per day with a discharge to a dry swale tributary to Plum Run. The proposed development is located on Waterfall Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code No. is A3-29905058-3S and the APS Id is 773422. Any permits must be obtained in the name of the property owner.

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

**Notice of Proposed Interim Response
 Hoff VC HSCA Site**

New Hanover Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108,

35 P. S. §§ 6020.101—6020.1305 ("HSCA"), is proposing a response action at the Hoff VC HSCA Site ("Site") in New Hanover Township, Montgomery County, Pennsylvania.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation included the sampling of private drinking water supply wells located along portions of Layfield Road, Hoffmansville Road, Colflesh Road, and Erb Road in New Hanover Township. Sampling revealed levels of Volatile Organic Compounds exceeding the Safe Drinking Water Maximum Contaminant Level along Layfield Road and Hoffmansville Road.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of a public water line, and construction of laterals to connect homes to the public water supply and an environmental covenant or municipal ordinance. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action and environmental covenants, supplying bottled water to affected residences and environmental covenants, the installation whole house treatment systems and environmental covenants, and construction of a community water supply system with environmental covenants or municipal ordinance.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Colin Wade at (484) 250-5722 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the New Hanover Township Municipal Building located at 2543 North Charlotte Street, Gilbertsville PA, 19525

Pursuant to Section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on December 4, 2012 at 7:00 p.m. at the Boyertown Junior High East Auditorium located at 2020 Big Rd, Gilbertsville, PA 19525. Anyone who would like to present formal oral comments regarding this proposed response may do so by calling DEP Community Relations Coordinator Lynda Rebarchak, at (484) 250-5820 to register.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. Members of the public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business January 18, 2013. Written comments should be addressed to Colin R. Wade, Solid Waste Specialist, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Colin Wade at (484) 250-5722.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Ice Works Facility, 311 Purdytown Turnpike, Paupack Township, **Wayne County**. Salvatore Sciascia, S & M Management, Inc., has submitted a Final Report (on behalf of his client George Cabel, P. O. Box 547, Tafton, PA 19474) concerning the remediation of soil found to have been impacted by fuel oil and gasoline due to a release from both a 550 gallon fuel oil and a 1,000 gallon gasoline underground storage tanks. The report was submitted to document attainment of the Residential Statewide Health Standard for soil.

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

Millerstown Municipal Authority Waste Water Treatment Plant, 110 West Juniata Parkway (SR 1015), Millerstown, PA 17062, Greenwood Township, **Perry County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Millerstown Municipal Authority, 44 North High Street, Millerstown, PA 17062, submitted a Final Report concerning remediation of site soils and groundwater contaminated with #2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Former Fincor Automation, Inc., 3750 East Market Street, York, PA, Springettsbury Township, **York County**. WSP Environment & Energy, 750 Holiday Drive, Suite 410, Pittsburgh, PA 15220, on behalf of Emerson Electric Company, 8000 West Florissant Avenue, St. Louis, MO 63136-8506, submitted a Remedial Investigation Report and Risk Assessment Report concerning site soils and groundwater contaminated with VOCs, PAHs and Inorganics. The site is being remediated to a Site-Specific standard.

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

Calumet Lubricants Rouseville Plant 1 (Fmr. PQS Rouseville Refinery Plant 1), Rouseville Borough, **Venango County**. URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876 on behalf of Pennzoil-Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Risk Assessment/Final Report concerning remediation of site soil contaminated with 1,2,4-trimethylbenzene, Benzene, Toluene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, bis[2-chloroethyl]ether, Dibenz[a,h]anthracene, Indeno[1,2,3-cd]pyrene, Naphthalene, Aluminum, Antimony, Arsenic, Cobalt, Iron, Lead, Manganese, Mercury, Thallium and groundwater contaminated with 1,2,4-trichlorobenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 2-butanone, 2-hexanone, Acetone, Benzene, Ethylbenzene, Toluene, Xylenes (total), 2-methylnaphthalene, 2-methylphenol, 3&4-methylphenol, 4-methylphenol, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, bis[2-chloroethyl]ether, bis[2-chloroisopropyl]ether, bis[2-ethylhexyl]phthalate, Butylbenzyl phthalate, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Naphthalene, Phenanthrene, Pyrene, Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Vanadium, and Zinc. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Former McInnes Steel Facility, City of Corry, **Erie County**. Urban Engineers, Inc., 1319 Sassafras Street, Erie, PA 16501 on behalf of The Redevelopment Authority in the City of Corry, 1524 Enterprise Road, Corry, PA 16407 has submitted a Cleanup Plan concerning remediation of site soil contaminated with Arsenic, Iron, and Manganese. The Cleanup Plan is intended to document remediation of the site to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Charles Brewer #3 Well Pad, Midd Road & NW intersection of SR 954, Washington Township, **Indiana County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of XTO Energy-Appalachia Division, 395 Airport Road, Indiana, PA 15701 has submitted a Final Report concerning the

remediation of site soil contaminated with constituents from an accidental release of on-site produced water. The remediation is seeking to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Apollo Metals, 1001 14th Avenue, Bethlehem City, **Lehigh County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 E. Mermaid Lane, Glenside, PA 19038 has submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Apollo Metals, Ltd (Corus Group), 1001 14th Avenue, Bethlehem, PA 18018), concerning the remediation of soil and groundwater found to have been impacted by metals as a result of historical operations at this metal plating facility. The combined report documented attainment of a combined Statewide Health Standard and Site-Specific Standard for metals in soil, and a Site-Specific Standard for metals and volatile organic compounds in groundwater and was approved on September 12, 2012.

Former Techneglas Property (Interstate Distribution Center), 140 Industrial Drive, Jenkins Township, **Luzerne County**. James J. Koval, HDR, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Final Report (on behalf of his client, Pittston Industrial, LLC, 152 W. 57th Street, 60th Floor, New York, NY 10019), concerning the remediation of soil found to have been impacted by VOCs, SVOCs, and metals as a result of historical operations at the site. The report documented attainment of the Non-Residential Statewide Health Standard and Site Specific Standard for soils and was approved on September 19, 2012.

2020 Building, 2020 Hamilton Street, Allentown City, **Lehigh County**. Alexander Ulmer, Barry Isett & Associates, Inc., 85 South Route 100, Allentown, PA 18106, has submitted a Final Report (on behalf of his clients Mr. & Mrs. Fred and Lisa Silver, Taverna Verda, Inc., 2 Front Street, Catasauqua, PA 18032), concerning the remediation of soil found to have been impacted by hexavalent chromium within a former process water vault as a result of metal cleaning and painting operations at a former facility located at this property. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on September 21, 2012.

W. Brooks 1V/5H Well Site, 13915 Strickland Hill Road, Springville Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud and brine as a result of a release from a torn reserve pit liner. The report documented attainment of the Residential Statewide Health Standard for soils and Background Standard for soils and was approved on September 21, 2012.

Ice Works Facility, 311 Purdytown Turnpike, Paupack Township, **Wayne County**. Salvatore Sciascia, S & M Management, Inc., submitted a Final Report (on behalf of his client George Cabel, P. O. Box 547, Tafton, PA 19474) concerning the remediation of soil found to have been impacted by fuel oil and gasoline due to a release from both a 550 gallon fuel oil and a 1,000 gallon gasoline underground storage tanks. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on September 24, 2012.

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

Marsh Run Park/ New Cumberland Army Depot Landfill, Mifflin Avenue and Marsh Run Road, New Cumberland, PA 17070, Fairview Township, **York County**. EA Engineering, Science and Technology, 1

Marketway West, Suite 4C, York, PA 17401, on behalf of U.S. Army Corps of Engineers, PO Box 1715, Baltimore, MD, 21203, submitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The combined report was approved by the Department on October 4, 2012. The site is being remediated to the Site-Specific standard.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Withdrawn 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. WMGM025. Revolution Recovery, Inc., 7333 Milnor Street, Philadelphia, PA 19136.

The municipal waste general permit (# WMGM025), issued to Revolution Recovery (Revolution), LLC., was for the processing of (a) unpainted and untreated wood waste, (b) gypsum board, (c) brick, block and concrete waste from new residential and commercial construction and (d) sorting and screening of plastic waste and shingles at the Revolution's facility. The approved beneficial uses include: (1) mulch for landscaping purposes, (2) soil erosion control, and/or (3) temporary walkway material, at new residential home or commercial building construction sites or distributed to wholesale outlets. The permittee has requested that their WMGM025 be withdrawn. In response to your request, we acknowledge that your general permit (# WMGM025) was withdrawn effective on October 02, 2012.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act; and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGRO99SC001. Kline's Services, Inc., 5 Holland Street, Salunga, PA 17538

The Southcentral Regional Office, Waste Management Program has issued a determination of applicability (DOA) under Residual Waste General Permit No. WMGR099 for the Kline's Services facility located at 5 Holland Street, Salunga, PA in East Hempfield Township, **Lancaster County**. This general permit is for the processing of combined domestic sewage and industrial wastewater treatment residual, generated at a pre-treatment facility for the beneficial use as a soil additive or effective fertilizer for utilization by (i) land application upon agricultural, agronomic, horticultural, and silvicultural lands and (ii) land application on disturbed lands to facilitate re-vegetation for land reclamation

purposes. The determination of applicability for the general permit was issued on October 4, 2012.

Persons interested in obtaining more information about this general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 101680. Waste Management Disposal Services of Pennsylvania Inc., 1000 New Ford Mill Road, Morrisville PA 19067. His permit modification is to approve direct application of leachate at the active working face of at the GROWS North Landfill located in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on August 16, 2012.

Applications renewed 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.

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

Permit Application No. 101443. The Altoona Transfer Station, located in Logan Township, Blair County. Permit Renewal for Solid Waste Permit No. 101443 for the operation of the Altoona Transfer Station, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

AIR QUALITY

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

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

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

58-310-065GP3: Brandenburg Industrial Service Co. (2217 Spillman Drive, Bethlehem, PA 18015) on September 27, 2012, to construct and operate a Portable Crushing Operation with watersprays at their site in Bridgewater Township, Susquehanna County.

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

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

GP5-07-03059A: Caiman Penn Midstream, LLC (5949 Sherry Lane, Suite 1300, Dallas, TX 75225-8036) on October 3, 2012, to install and operate a new glycol dehydration unit with a 0.35 MMBtu per hour reboiler, and a new 8,820 gallon (210 bbl) wastewater storage tank, and for continued operation of an existing Caterpillar Model G3508 LE lean burn natural gas fired engine and existing wastewater storage tank. These activities are authorized under GP5 at the gas production facility in Juniata Township, **Blair County**.

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

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

GP1-49-150: Furman Foods, Inc. (770 Cannery Road, Northumberland, PA 17857-0500) on September 30, 2012, to construct and operate a 33.48 MMBtu/hr Cleaver Brooks model number CBR-200-800-200 dual-fired boiler pursuant to the General Plan Approval and General Operating Permit for Small Gas & No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at their facility located in Point Township, **Northumberland County**.

GP5-59-192C: Seneca Resources Corp. (51 Zents Boulevard, Brookville, PA 15825-2701) on October 4, 2012, to construct and operate a 349 kilowatt Cummins model 334GFBA electric generator set, which incorporates a 468 brake-horsepower, natural gas-fired, four-stroke, lean-burn Cummins model QSK19G reciprocating internal combustion engine, the air contaminant emissions from which shall be controlled by a Harco Sud-Chemie oxidation catalyst under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Cherry Flats Compressor Station in Covington Township, **Tioga 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.

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

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

59-00027A: UGI Storage Co. (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) on September 20, 2012, to construct two (2) natural gas compressors each powered by a 1380 bhp ultra-lean burn natural gas-fired engine, one (1) natural gas compressor powered by a 690 bhp ultra-lean burn natural gas-fired engine, one (1) emergency generator set powered by a 1100 bhp diesel-fired engine, and four (4) storage tanks at the Palmer Compressor Station in Farmington Township, **Tioga 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.

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

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

46-0262C: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on September 28, 2012, to operate a new pre-mix disperser unit in Hatfield Township, **Montgomery County**

23-0100A: Haines & Kibblehouse, Inc.—Pyramid Materials (2052 Lucon Road, Skippack, PA 19474) on October 3, 2012, to operate a nonmetallic mineral processing plant in Aston Township, **Delaware County**

15-0061A: Phoenixville Hospital Co., LLC. (140 Nutt Road, Phoenixville, PA 19460) on September 28, 2012, to operate a 1250-kW emergency electric generator/internal combustion engine and a 300-hp dual-fired boiler in Phoenixville Borough, **Chester County**

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

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

08-399-019E: Global Tungsten & Powders, Corp. (Hawes Street, North Towanda, PA 18848) on October 4, 2012, to extend the authorization to temporarily operate a process reactor (CR-6) and associated control devices at their facility located in North Towanda Township, **Bradford County** until April 15, 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

32-00055F: EME Homer City Generation, LP (1750 Power Plant Road, Homer City, PA 15748) on October 4, 2012, to extend the period of temporary operation of the 313 MMBtu/hr distillate oil-fired auxiliary boiler authorized under plan approval PA-32-00055F, until April 4, 2013, at Homer City Generating Station in Black Lick and Center Townships, **Indiana County**. The plan approval has been extended.

32-00055H: EME Homer City Generation, LP (1750 Power Plant Rd., Homer City, PA 15748) on October 4, 2012, to authorize changes to the lime and byproduct handling system associated with the Unit 1 & 2 Novel Integrated Desulfurization systems to be installed at Homer City Generating Station in Black Lick and Center Townships, **Indiana County**. Proposed changes to the lime and byproduct handling system will result in a net decrease of PM, PM₁₀, and PM_{2.5} potential to emit for the project.

63-00549A: Arden Landfill, Inc. (625 Cherrington Parkway, Moon Township, Pa 15108) on October 4, 2012, an extension of the Plan Approval for the on-site gas-to-energy plant located in Chartiers Township, **Washington County**. The plan approval has been extended.

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

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

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

15-00027: Johnson Matthey, Inc. (456 Devon Park Drive, Tredyffrin Township, Chester County 19087) on October 3, 2012, to renew their Title V Operating Permit in Tredyffrin Township, **Chester County**. The initial permit was issued on 10-24-2001 and was subsequently

renewed on 8-7-2007. The company manufactures inserts for automotive and industrial catalytic converters. As a result of potential emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOC), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is subject to the Compliance Assurance Monitoring (CAM) regulation pursuant to 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

38-05011: Plain N Fancy Kitchens, Inc. (PO Box 519, Oak Street & Route 501 Schaefferstown, PA 17088-0519) on September 27, 2012, for their wood kitchen cabinet manufacturing facility in Heidelberg Township, **Lebanon County**. The Title V permit was renewed.

36-05146: PPL Renewable Energy, LLC (2 N 9th Street, GENPL2, Allentown, PA 18101-1139) on October 3, 2012, for their landfill gas-to-energy facility at their Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**. The Title V permit was renewed.

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

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

43-00310: NLMK Pennsylvania Corp. (15 Roemer Boulevard, Farrell, PA 16121-2201) on September 25, 2012, to issue an administrative amendment to the Title V Operating Permit to incorporate the change of ownership to Top Gun Investment Corporation II for their facility in Farrell City, **Mercer County**.

43-00196: GE Company Grove City (1503 West Main Street Extension, Grove City, PA 16127-2513) on October 1, 2012, to issue an administrative amendment to their Title V Operating Permit to incorporate the change of responsible official and correct typographical errors for their facility in Pine Township, **Mercer County**.

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

06-03043: Wolf Technologies, LLC (551 Old Swede Road, Douglassville, PA 19518) on October 1, 2012, for their investment castings foundry in Amity Township, **Berks County**. The State-only permit was renewed.

06-03551: SGL Spring Graphite Plant (796 Fritztown Road, PO Box 2193, Sinking Spring, PA 19608) on October 1, 2012, for their graphite components manufacturing facility in Spring Township, **Berks County**. The State-only permit was renewed.

36-05094: Keystone Wood Specialties, Inc. (PO Box 10127, Lancaster, PA 17605-0127) on October 1, 2012, for their custom wood specialties manufacturing facility in East Lampeter Township, **Lancaster County**. The State-only permit was renewed.

07-05031: Union Tank Car Co. (PO Box 2003, Altoona, PA 16603-2003) on September 27, 2012, for their railroad tank car maintenance, repair and refurbishing facility in Altoona City, **Blair County**. The State-only permit was renewed.

06-03042: Fairmount Foundry, Inc. (PO Box 466, Front & Pine Streets, Hamburg, PA 19526-0466) on October 1, 2012, for their gray iron castings foundry in Hamburg Borough, **Berks County**. The State-only permit was renewed.

06-03114: Aluminum Alloys, Inc. (PO Box 2197, Sinking Spring, PA 19608-2197) on September 27, 2012, for their aluminum foundry in Lower Heidelberg Township, **Berks County**. The State-only permit was renewed.

06-05023: Orograin Bakeries Manufacturing, Inc. (640 Park Avenue, Reading, PA 19611-1926) on October 1, 2012, for their bakery facility in Reading City, **Berks County**. The State-only permit was renewed.

67-05118: Harley Davidson Motor Co. Operations, Inc. (1425 Eden Road, York, PA 17402-1599) on October 1, 2012, for their motorcycle manufacturing facility in Springettsbury Township, **York County**.

36-03160: GSM Industrial, Inc. (3249 Hempland Road, Lancaster, PA 17601-6913) on October 1, 2012, for their custom industrial metal fabrication facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

67-05084: York Wallcoverings, Inc. (2075 Loucks Road, York, PA 17408-9704) on September 12, 2012, for their wall covering manufacturing facility in West Manchester Township, **York County**. The State-only permit was renewed.

22-05046: Haines & Kibblehouse, Inc. (PO Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) on October 2, 2012, for their batch asphalt manufacturing facility in Lower Swatara Township, **Dauphin County**. The State-only permit was renewed.

22-03010: East Harrisburg Cemetery, Co. (2260 Herr Street, Harrisburg, PA 17103-6009) on October 3, 2012, for their two human crematory units at the facility in Susquehanna Township, **Dauphin County**. The State-only permit was renewed.

22-03014: Steward Amos Steel, Inc. (4400 Paxton Street, PO Box 4259, Harrisburg, PA 17111) on October 3, 2012, for their steel surface coating operation at their facility in Swatara Township, **Dauphin County**. The State-only permit was renewed.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

10-00298: ESM Group Inc. (955 Saxonburg Blvd, Saxonburg, PA 16056-2317), on October 2, 2012, for renewal of the facility's Natural Minor Operating Permit. The sources included, 1) Mixing (In blend bldg.), 2) Fab Bldg. paint booth, 3) End product truck loading and, 4) Vessel cleaning (Bldg.) and 5) Degreaser unit. The facility produces Manganese blended powders (magnesium powders mixed with lime) located in Saxonburg Borough and **Butler County**. The facility is natural minor because the

emissions from the facility are less than Title V emission threshold. The potential emission statement of the facility, PM₁₀: 0.04 TPY (Tons per year), VOC: 5.304 TPY.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

36-03020: Utz Quality Foods, Inc. (150 Industrial Drive, Ephrata, PA 17522-9252) on October 1, 2012, for their snack food manufacturing facility in Ephrata Borough, **Lancaster County**. The State-only permit was administratively amended to reflect a change of ownership.

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

56090701 and NPDES No. PA0235938. PBS Coals, Inc., (P. O. Box 260, 1575 Stoystown Road, Friedens, PA 15441). To operate the Schrock Run Coal Refuse Disposal in Stonycreek Township, **Somerset County** a new coal refuse disposal area and related NPDES permit. In conjunction with this approval the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—306, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A § 1341) and will not violate applicable Federal and State water quality standards. Coal Refuse Disposal Support Acres Proposed 136.0, Coal Refuse Disposal Acres Proposed 127.0. Receiving streams, Schrock Run and an Unnamed Tributary to Schrock Run classified for the following use: CWF. The application was considered administratively complete on July 27, 2010. Application received: December 24, 2009. Permit issued: October 3, 2012.

30031301. Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501). To revise the permit and related NPDES permit for the 4 West Mine in Perry Township, **Greene County** to install the Calvin Run Airshaft Site. Surface Acres Proposed 0.9, The application was considered administratively complete on February 1, 2012. Application received: June 15, 2011. Permit issued: October 4, 2012.

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

56070101. NPDES No. PA0262277, Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 223.3 acres. Receiving stream(s): unnamed tributaries to Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 5, 2012. Permit issued: September 27, 2012.

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

24020102. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and coal ash placement mine in Benezette Township, **Elk County** affecting 118.9 acres. Receiving streams: Unnamed tributary to Porcupine Run and Porcupine Run, unnamed tributary to Chase Hollow, unnamed tributary to Trout Run. This renewal is issued for reclamation only. Application received: March 16, 2012. Permit Issued: October 5, 2012.

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

17930128 and NPDES No. PA0219720. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Revision to an existing bituminous surface and auger mine in Penn Township, **Clearfield County**, affecting 106.2 acres. Receiving stream: Unnamed Tributaries to Bell Run and Bell Run, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2012. Permit issued: October 3, 2012.

Noncoal Permits Actions

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

63100401 and NPDES Permit No. PA0252034. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation and reclamation of a large noncoal surface mine, located in Deemston Borough, **Washington County**, affecting 67.6 acres. Receiving streams: unnamed tributaries to Ten Mile Creek and Ten Mile Creek Application received: November 5, 2010. Permit issued: October 4, 2012.

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

20060802. Ronald J. Roncaglione (2814 US Highway 6, Linesville, PA 16424). Final bond release for a small industrial minerals surface mine in Summit Township, **Crawford County**. Restoration of 5.0 acres completed. Receiving streams: Lake Erie Canal Extension. Application Received: May 24, 2012. Final bond release approved: September 28, 2012.

37020307 and NPDES Permit No. PA0242276. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Revision to an existing large industrial minerals surface mine to add 3.3 acres in Wayne Township, **Lawrence County**, for a total of 243.4 acres. This revision also includes the addition of a sedimentation pond to the NPDES permit. Receiving streams: Unnamed tributary to the Beaver River and unnamed tributary to Snake Run. Application received: May 21, 2012. Permit Issued: October 2, 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

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

09124103. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Carriage Hill off-site trench in Plumstead and Doylestown Townships, **Bucks County** with an expiration date of September 24, 2013. Permit issued: October 1, 2012.

46124112. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Stony Creek in Worcester Township, **Montgomery County** with an expiration date of September 24, 2013. Permit issued: October 3, 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

E15-832. Thomas J. Yuhas, Borough of Downingtown, 4 West Lancaster Avenue, Downing, PA 19335-2800, Borough of Downingtown, **Chester County**, ACOE Philadelphia District.

To modify, construct and maintain the existing recreational facilities in Kerr Park to include the Skate Park within the floodway of the East Branch of Brandywine Creek (WWF-MF).

The site is located in the Kerr Park approximately 250 feet southwest of the intersection of Wallace Avenue and Pennsylvania Avenues (Downingtown, PA, USGS Quadrangle N: 1.48 inches; W: 11.35 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

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

E21-432: PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, Pennsylvania 18101, in Carlisle Borough, **Cumberland County**, ACOE Baltimore District

To install and maintain 67.0 feet of 42.0-inch reinforced concrete pipe under Letort Spring Run (EV). The project is located on East North Street (S.R. 2002) just west of the intersection with Porter Avenue in the Borough of Carlisle, Cumberland County (Carlisle, PA Quadrangle; N: 14.3 inches, W: 8.05 inches; Latitude: 40°12'14.60", Longitude: -77°10'56.89"). The purpose of the project is to install two underground 69Kv transmission lines between the Carlisle and the Carlisle West Substations. The project proposes to bore under Letort Spring Run and encase the conduit in concrete.

E22-574: Harrisburg Area Community College, One HACC Drive, Harrisburg, Pennsylvania 17110, in Harrisburg City, **Dauphin County**, ACOE Baltimore District

To: 1) fill and maintain 0.44 acre of palustrine emergent wetland; 2) install and maintain three 53.0-foot long, 36.0-inch diameter, 6.0-inch uniformly depressed HDPE culverts in a wetland channel, permanently impacting 0.02 acre of palustrine forested wetland; 3) install and maintain two 4.0-inch diameter PVC conduits for electrical and telephone services in and across palustrine forested wetland; 4) construct and maintain a 12.0-foot wide, single span bridge having a normal span of 80.0 feet and a minimum underclearance of 24.0 feet across Paxton Creek (WWF, MF), and to place and maintain 6,213.0 cubic yards of fill in the floodway of Paxton Creek (WWF, MF); 5) install and maintain two 4.0-inch diameter PVC conduits for electrical and telephone services across Paxton Creek (WWF, MF), and 6) install and maintain a 15.0-inch diameter stormwater outfall with endwall and riprap apron discharging to Paxton Creek (WWF, MF). The project is located on the Harrisburg campus of the Harrisburg Area Community College (HACC) (Harrisburg West, PA Quadrangle; N: 9.3 inches, W: 1.8 inches; Latitude: 40°18'7.0", Longitude: -76°53'9.5") in the City of Harrisburg, Dauphin County. The purpose of the project is to expand and improve the John J. Shumaker Public Safety Center (PSC). The permittee is required to provide a minimum of 0.79 acre of wetland mitigation onsite.

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

E19-296. Frank T. Yun, III, 577 Pond Road, Mehoopany, PA 18629. Yun Cabin, in Cleveland Township, **Columbia County**, ACOE Baltimore District (Danville, PA Quadrangle Latitude: 40-52-35.4; Longitude: 76-30-19.8).

To construct, operate and maintain 18 concrete piers to support the raising of a cottage structure on the existing footprint and to include 4 additional piers to support the open deck structure in the floodplain of Roaring Creek. The structures first floor elevating shall be a minimum of 18 inches above elevation of 618.5 feet. The cottage is 33 feet wide and 43 feet long. This property is located On West Railroad Avenue at the entrance of Knoebels Campground. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-1654. Riverlife, 425 Sixth Avenue, Pittsburgh, PA 15219; City of Pittsburgh, **Allegheny County**; ACOE Pittsburgh District.

Applicant has been given consent to construct and maintain a pedestrian/bicycle ramp, staircase, an observation platform and a kayak ramp along the right bank of the Monongahela River (WWF) for the purpose of linking Point State Park and the downtown Pittsburgh area to the Three Rivers Heritage Trail and the Great Allegheny Passage. The project is located at the Smithfield Street Bridge, approximately 4,000.0 feet upstream from the

confluence of the Monongahela, Allegheny and Ohio Rivers (Pittsburgh West, PA Quadrangle N: 11.2 inches; West: 0.2 inch; Latitude: 40° 26' 12"; Longitude: 80° 00' 05") in the City of Pittsburgh, Allegheny County.

E02-1664. The Cobblestone Manor Associates L.P., 772 Pine Valley Drive, Pittsburgh, PA 15239, Ohio Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant has been given consent to remove the existing 48-inch diameter culvert approximately 181.0 feet in length, to construct and maintain a 84.0 inch diameter stream enclosure approximately 291.0 feet in length in an unnamed tributary to Bear Run (TSF), to construct and maintain a 15-inch diameter outfall structure on the left bank of said stream and to place and maintain fill in approximately 0.069 acre of wetlands adjacent to said stream for the purpose of constructing the Cobblestone Manor Phase 5 Residential Development. The project is located on the west side of Sobon Lane, approximately 4,000.0 feet south from the intersection of Sobon Lane and Mt. Nebo Road (Emsworth, PA Quadrangle N: 7.5"; W: 12.4"; Latitude: 40° 32' 29"; Longitude: 80° 5' 23") in Ohio Township, Allegheny County and will impact approximately 490 linear feet of stream channel and 0.069 acre of wetlands. To mitigate for impacts, the applicant will construct a 0.07 acre PEM/PSS wetland mitigation site and perform enhancements along a 620' reach of the unnamed tributary to Bear Run as stream mitigation.

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 # ESX12-115-0162

Applicant Name Southwestern Energy Production Company

Contact Person Mr. Dave Sweeley

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) New Milford
 Receiving Stream(s) and Classification(s) East Branch
 Martins Creek/Martins Creek Basin—CWF/MF
 Secondary: Tunkhannock Creek—CWF/MF

ESCGP-1 # ESX12-115-0156
 Applicant Name Southwestern Energy Production Company
 Contact Person Mr. Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) Harford & New Milford
 Receiving Stream(s) and Classification(s) UNT to E
 Branch Martins Creek—CWF/MF
 East Branch Martins Creek—CWF/MF
 Secondary: Martins Creek, tributary to Tunkhannock
 Creek—CWF/MF

ESCGP-1 # ESX12-117-0084
 Applicant Name Anadarko E&P Company LP
 Contact Person Rane Wilson
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Tioga
 Township(s) Liberty
 Receiving Stream(s) and Classification(s) UNT Zimmer-
 man Creek—HQ, CWF/MF
 Zimmerman Creek—HQ, CWF/MF
 Secondary: Zimmerman Creek—HQ, CWF/MF
 Texas Creek—EV/MF

ESCGP-1 # ESX12-117-0064
 Applicant Name EQT Production Company
 Contact Person Todd Klaner
 Address 455 Racetrack Rd
 City, State, Zip Washington, PA 15301
 County Tioga
 Township(s) Morris
 Receiving Stream(s) and Classification(s) 2 UNT's to
 Paint Run—CWF
 Secondary: Paint Run—CWF

ESCGP-1 # ESX12-117-0053
 Applicant Name SWEPI LP
 Contact Person H James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Jackson
 Receiving Stream(s) and Classification(s) Unnamed Tribu-
 taries to Hammond Creek—Other
 Secondary—Hammond Creek—CWF/MF

ESCGP-1 # ESX11-115-0193(02)
 Applicant Name Williams Field Services LLC
 Contact Person Kristy Flavin
 Address 1605 Coraopolis Heights Rd
 City, State, Zip Moon Township, PA 15108
 County Susquehanna
 Township(s) Harford & Lenox
 Receiving Stream(s) and Classification(s) Partners Creek,
 Nine Partners Creek, and unnamed tributaries to Part-
 ners Creek, Sterling Brook, and Butler Creek/Upper
 Susquehanna—Tunkhannock Watershed—EV

ESCGP-1 # ESX12-115-0175
 Applicant Name Williams Field Services LLC
 Contact Person Kristy Flavin
 Address 1605 Coraopolis Heights Rd
 City, State, Zip Moon Township, PA 15108
 County Susquehanna
 Township(s) Dimock & Springville

Receiving Stream(s) and Classification(s) White Creek—
 CWF
 Thomas Creek—CWF
 Secondary: Susquehanna River—WWF

ESCGP-1 # ESG11-112-0007(01)
 Applicant Name PVR NEPA Gas Gathering LLC
 Contact Person Nicholas Bryan
 Address 100 Penn Tower, Suite 201 & 202, 25 W Third St
 City, State, Zip Williamsport, PA 17701
 County Sullivan/Lycoming
 Township(s) Davidson/Penn
 Receiving Stream(s) and Classification(s) Unt to Muncy
 Creek—HQ, CWF/MF
 Unt to Beaver Run—HQ, CWF/MF

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-019-0157-Rutledge to Spang Pipeline
 Applicant Mountain Gathering LLC
 Contact Dewey Chalos
 Address 810 Houston Street
 City Houston State TX Zip Code 76102
 County Butler Township(s) Penn and Forward(s)
 Receiving Stream(s) and Classification(s) UNT's to Con-
 noquenessing Creek, Connoquenessing Creek, UNT's to
 Thorn Creek/Connoquenessing Creek

ESCGP-1 #ESX12-083-0071—Mowrey—Wagner Tracts
 Applicant Open Flow Gas Supply Corporation
 Contact Dave Radzavich
 Address 90 Beaver Drive, Suite 110 B, P. O. Drawer J
 City DuBois State PA Zip Code 15801
 County McKean Township(s) Lafayette & Keating(s)
 Receiving Stream(s) and Classification(s) UNT to Three
 Mile Run, CWF; UNT to Kinzua Creek, CWF

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

3/27/12
 ESCGP-1 No: ESX12-005-0006
 Applicant Name: XTO ENERGY INC
 Contact Person STACEY VEHOVIC
 Address: 810 HOUSTON STREET
 City: FORT WORTH
 State: TX Zip Code: 76102
 County: ARMSTRONG Township: NORTH BUFFALO
 Receiving Stream (s) And Classifications: GLADE RUN /
 GLADE RUN; OTHER

9/6/12
 ESCGP-1 No.: ESX12-125-0099
 Applicant Name: NOBLE ENERGY INC
 Contact Person: MR ROBERT OVITZ
 Address: 333 TECHNOLOGY DRIVE SUITE 110
 City: CANONSBURG State: PA Zip Code: 15317
 County: WASHINGTON Township(s): WEST FINLEY
 Receiving Stream(s) and Classifications: 1 UNT—
 ROBINSON FORK (WWF); ROBINSON FORK (WWF);
 BEHAM RUN (WWF); OTHER

5/31/12
 ESCGP-1 No.: ESX12-059-0030
 Applicant Name: EQT PRODUCTION
 Contact Person: MR TODD KLANER
 Address: 455 RACETRACK ROAD
 City: WASHINGTON State: PA Zip Code: 15301
 County: GREENE Township(s): WASHINGTON
 Receiving Stream(s) and Classifications: 2 UNTs TO
 RUFF CREEK—WWF 2 UNTs TO UNTs TO RUFF
 CREEK—WWF TENMILE CREEK WATERSHED

7/2/12
 ESCGP-1 No.: ESX12-005-0011
 Applicant Name: XTO ENERGY INC
 Contact Person: MS MELISSA BREITENBACH
 Address: 502 KEYSTONE DRIVE
 City: WARRENDALE State: PA Zip Code: 15086
 County: ARMSTRONG Township(s): SOUTH BUFFALO
 Receiving Stream(s) and Classifications: BUFFALO
 CREEK (TSF); OTHER

5/23/12
 ESCGP-1 No.: ESX12-125-0061
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person: MR DANIEL BITZ
 Address: 200 EVERGREENE DRIVE
 City: WAYNESBURG State: PA Zip Code: 15370
 COUNTY WASHINGTON Township(s): SOUTH FRANK-
 LIN
 Receiving Stream(s) and Classifications: UNT TO
 CHARTIERS CREEK (WWF), CHARTIERS CREEK
 (WWF), UNTs TO TENMILE CREEK (TSF) AND
 TENMILE CREEK (TSF); OTHER

9/7/12
 ESCGP-1 No.: ESX12-125-0100
 Applicant Name: RANGE RESOURCES APPALACHIA
 LLC
 Contact Person: MS LAURA M RUSMISEL
 Address: 3000 TOWN CENTER BOULEVARD
 City: CANONSBURG State: PA Zip Code: 15317
 County: WASHINGTON Township(s): SMITH
 Receiving Stream(s) and Classifications: UNTs TO RAC-
 COON CREEK (WWF) AND UNTs TO BURGETTS
 FORK (WWF)/ RACCOON CREEK WATERSHED;
 OTHER

9/5/12
 ESCGP-1 No.: ESX12-129-0019
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person: MR DANIEL BITZ
 Address: 280 INDIAN SPRINGS ROAD
 City: INDIANA State: PA Zip Code 15701
 County: WESTMORELAND Township(s): ROSTRAVER

Receiving Stream(s) and Classifications: UNT TO AND
 BECKETS RUN / MONONGAHELA RIVER (WWF);
 OTHER

8/13/12
 ESCGP-1 No.: ESX11-125-0111 MAJOR REVISION
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person MR DANIEL BITZ
 Address: 200 EVERGREENE DRIVE
 City: WAYNESBURG State: PA Zip Code: 15370
 County: WASHINGTON Township: SOUTH FRANKLIN
 Receiving Stream (s) And Classifications: UNT TO
 CHARTIERS CREEK; OTHER

3/13/12
 ESCGP-1 No.: ESX12-059-0016
 Applicant Name: CNX GAS COMPANY LLC
 Contact Person: MR DANIEL BITZ
 Address: 200 EVERGREENE DRIVE
 City: WAYNESBURG State: PA Zip Code: 15370
 County: GREENE Township(s): GRAY AND RICHHILL
 Receiving Stream(s) and Classifications: SEE ATTACH-
 MENT E FOR STREAM TABLE; HQ; OTHER WWF

9/17/12
 ESCGP-1 No.: ESX12-125-0101
 Applicant Name: NOBLE ENERGY INC
 Contact Person: MR ROBERT OVITZ
 Address: 333 TECHNOLOGY DRIVE SUITE 110
 City: CANONSBURG State: PA Zip Code: 15317
 County: WASHINGTON Township(s): WEST FINLEY
 Receiving Stream(s) and Classifications: 2 UNT ENLOW
 FORK (WWF); 1 UNT ROBINSON FORK (WWF);
 OTHER

6/13/12
 ESCGP-1 No.: ESX12-125-0070
 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): CROSS CREEK
 Receiving Stream(s) and Classifications: UNT TO
 MIDDLE FORK NORTH FORK CROSS CREEK
 (WWF); /CROSS CREEK WATERSHED; OTHER

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8762, Harrisburg, PA 17105-8762.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-11-004	Johnstown-Cambria County Airport Authority 479 Airport Road Johnstown, PA 15904-7222 Attn: RaNell Fenchak	Cambria	Richland Township	5 ASTs storing petroleum products	38,000 gallons total

[Pa.B. Doc. No. 12-2035. Filed for public inspection October 19, 2012, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Meeting Cancellation

The Cleanup Standards Scientific Advisory Board meeting scheduled for December 6, 2012, has been canceled. For information contact Dave Crownover at (717) 783-7816 or dcrownover@pa.gov.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2036. Filed for public inspection October 19, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Notice of Certification Requests

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

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

The information described in this notice relates to submitted certification requests received from April 26, 2012, through September 17, 2012.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

Certification Requests

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days.

<i>Applicant</i>	<i>Pollution Reduction Activity Description</i>
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client WhCWaT0002's property.
Lycoming County Conservation District	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client LoCEiT0001's property.
Red Barn Trading Company on behalf of Keystone Dairy Ventures, LLC (Lancaster County)	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client 10-08-04's property.
Red Barn Trading Company on behalf of Keystone Dairy Ventures, LLC (Lancaster County)	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client 13-22-04's property.
Red Barn Trading Company on behalf of Keystone Dairy Ventures, LLC (Lancaster County)	This certification request is for nutrient reduction credits to be generated from Agriculture Best Management Practices on Client 18-04-06's property.

Written Comments

Interested persons may submit written comments on these proposed pollutant reduction activities by October 26, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Schlauderaff, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov.

For further information about these certification requests or the Trading Program contact Brian Schlauderaff at the previously listed address or phone number or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2037. Filed for public inspection October 19, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Notice of Inter-Basin Trading Request

The Department of Environmental Protection (Department) has received a request under the Nutrient Credit Trading Program for use of credits generated in a river basin other than the river basin in which the credit user is located. See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from the Chesapeake Bay Watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Nutrient Credit Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients. According to 25 Pa. Code § 96.8(h)(2), credits generated in the Susquehanna or Potomac River Basin may only be used in the basin in which they were generated, unless otherwise approved by the Department.

Description of the Request

The Township of Antrim has requested approval of a 3-year pilot program for the use of nitrogen and phosphorus credits that will be generated in the Susquehanna River Basin to meet NPDES nitrogen and phosphorous limits at its waste water treatment facility (WWTF) located in the Potomac River Basin. The request includes an inter-basin trading factor designed to encourage local basin credit generation. Antrim asserts that there are insufficient certified credits within the Potomac River basin to meet the projected nitrogen and phosphorous credit needs at its WWTF.

Request for Written Comments

The Department is requesting comment on Antrim's request for a pilot program for inter-basin trading. The Department intends to publish notice of a final action after it considers any comments it receives. The Department does not intend to provide written responses to the comments, but will take all timely comments into consideration in determining the final action. A copy of Antrim's proposal may be obtained by contacting Brian Schlauderer, Division of Technical and Financial Assistance at (717) 772-5620 or through the Department's web site at <http://www.dep.state.pa.us/river/nutrienttrading/news/docs/AntrimTownshipRequestforApprovalInterBasinTrading2012.pdf>.

Interested persons must submit written comments by October 26, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Schlauderer, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, bschlauder@pa.gov, (717) 772-5620.

For further information about this request or the Nutrient Credit Trading Program visit the Department's

web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2038. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2039. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Aria Health System Bucks Campus Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aria Health System Bucks Campus Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.3.3.2(2)(a) and (b) and 2.2-3.3.3.3(1)(a) and (b) (relating to preoperative patient care area; and PACU area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2040. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Capital Surgery and Laser Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Capital Surgery and Laser Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2041. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following stan-

dards contained in this publication: 2.6-2.2.2.2 (relating to space requirements in patient rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2042. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.1.3.6(2), 3.1-7.2.2.1(1) and 3.1-7.2.2.3(a) and (b) (relating to examination/treatment room; public corridors; and doors and door hardware).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2043. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of The Endoscopy Center at Northeastern Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center at Northeastern Campus has requested an exception to the requirements of 28 Pa. Code §§ 551.3 and 553.31(a) (relating to definitions; and administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2044. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Four Seasons Endoscopy Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Four Seasons Endoscopy Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2045. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frick Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.2.2.5(b) (relating to handwashing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2046. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Fulton County Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fulton County Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of*

Hospitals and Healthcare Facilities. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.1.3.3(3), 2.2-3.1.3.7 and 2.2-3.1.4.4(2), (3)(b) and (3)(c) (relating to triage area; patient toilet room; and secure holding room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2047. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Geisinger Wyoming Valley Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities.* The facility specifically requests exception from the following standards contained in this publication: 2.2-2.10.6.14 (relating to location support).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2048. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Healthsouth Rehabilitation of Mechanicsburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Rehabilitation of Mechanicsburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities.* The facility specifically requests exception from the following standards contained in this publication: 2.1-7.2.3.2(14) and 2.2-3.9.2.6 (relating to dialysis treatment area; and patient toilet room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2049. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Heart of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heart of Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2050. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.5-3.2.2.4(7) and 3.5-7.2.2.1 (relating to nourishment area; and corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2051. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Nemours Ambulatory Surgery Center—Bryn Mawr for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nemours Ambulatory Surgery Center—Bryn Mawr has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-3.8.1 (relating to outpatient surgery change area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2052. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Orthopaedic and Spine Specialists for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Orthopaedic and Spine Specialists has requested an exception to the requirements of 28 Pa. Code § 101.31 (relating to hospital requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2053. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Pottstown Memorial Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pottstown Memorial Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.4.4, 2.2-3.4.4.5, 2.2-3.4.6.7 and 2.2-3.5.6.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2054. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Select Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.2.2.5(1) (relating to hand washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2055. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Southwestern Pennsylvania Eye Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwestern Pennsylvania Eye Surgery Center has requested an exception to the requirements of 28 Pa. Code § 559.2 (relating to director of nursing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2056. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.2(2), 3.1-6.1.4, 3.1-7.2.2.1(1), 3.6-3.2.2.1, 3.6-3.2.2.2, 3.6-3.2.3, 3.6-3.7.1, 3.6-3.7.2, 3.6-3.8.1, 3.6-3.6.10.1 and 3.6-3.6.10.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2057. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of The Western Pennsylvania Hospital, West Penn Allegheny Oncology Network—New Kensington for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital, West Penn Allegheny Oncology Network—New Kensington has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.6-3.2.2.1, 3.6-3.2.2.2, 3.6-3.6.10.3, 3.6-3.6.10.4 and 3.6-3.6.12.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2058. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of Westfield Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westfield Surgery Center has requested an exception to the requirements of 28 Pa. Code § 559.2 (relating to director of nursing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2059. Filed for public inspection October 19, 2012, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2060. Filed for public inspection October 19, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

Laurel Ridge Center
75 Hickle Street
Uniontown, PA 15401

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Beaver Valley Nursing and Rehabilitation Center
257 Georgetown Road
Beaver Falls, PA 15010

These requests are 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 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).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2061. Filed for public inspection October 19, 2012, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, November 2, 2012. The meeting will be held from 10 a.m. to 3 p.m. in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Darlene Smith, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2062. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Fro\$ty Ca\$h 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 Fro\$ty Ca\$h.

2. *Price:* The price of a Pennsylvania Fro\$ty Ca\$h instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Fro\$ty Ca\$h instant lottery game ticket will contain one play area featuring 15 play symbols and their captions. The play symbols and their captions, located in the play area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gift (GIFT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Mitten (MITTEN) symbol, Nutcracker (NUTCRKR) symbol, Ornament (ORNAMENT) symbol, Reindeer (RNDEER) symbol, Sack of Toys (TOYS) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Stocking (STOCKING) symbol, Wreath (WREATH) symbol, Scarf (SCARF) symbol and a Top Hat (TOPHT) 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), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$100,000 (ONEHUN-THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The player can win up to 15 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2012 \$100,000 Jolly Jackpot! second-chance drawings for which non-winning Pennsylvania Fro\$ty Ca\$h instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 10,560,000 tickets will be printed for the Pennsylvania Fro\$ty Ca\$h instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$100,000 (ONEHUNTHO) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$10,000 (TEN THO) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$5,000 (FIV THO) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$1,000 (ONE THO) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a Scarf (SCARF) symbol in the play area a prize symbol of \$100 (ONE HUN) in five of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Scarf (SCARF) symbol in the play area, a prize symbol of \$50⁰⁰ (FIFTY) in five of

the “prize” areas and a prize symbol of \$25⁰⁰ (TWY FIV) in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$400 (FOR HUN) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets with a Scarf (SCARF) symbol in the play area a prize symbol of \$40⁰⁰ (FORTY) in five of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Scarf (SCARF) symbol in the play area a prize symbol of \$10⁰⁰ (TEN DOL) in five of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$50⁰⁰ (FIFTY) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$40⁰⁰ (FORTY) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$20⁰⁰ (TWENTY) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) in the “prize” area under that Top Hat (TOPHT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with a Top Hat (TOPHT) symbol in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) in the “prize” area under that Top Hat (TOPHT) 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 “TOP HAT” (TOPHT) 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 10,560,000 Tickets</i>
\$5	\$5	8.57	1,232,000
\$5 × 2	\$10	30	352,000
\$10	\$10	30	352,000
\$5 × 4	\$20	300	35,200
\$10 × 2	\$20	150	70,400
\$20	\$20	150	70,400
\$5 × 5	\$25	300	35,200
(\$5 × 3) + \$10	\$25	300	35,200
(\$10 × 2) + \$5	\$25	300	35,200

Reveal A "TOP HAT" (TOPHT)
Symbol, Win Prize Shown Under
That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,560,000 Tickets
\$20 + \$5	\$25	300	35,200
\$25	\$25	300	35,200
\$5 × 8	\$40	600	17,600
\$10 × 4	\$40	600	17,600
\$20 × 2	\$40	600	17,600
\$25 + \$10 + \$5	\$40	600	17,600
\$40	\$40	600	17,600
\$5 × 10	\$50	600	17,600
\$10 × 5	\$50	600	17,600
\$25 × 2	\$50	600	17,600
\$40 + \$10	\$50	600	17,600
\$50	\$50	600	17,600
SCARF w/ ((\$10 × 5) + (\$5 × 10))	\$100	500	21,120
\$10 × 10	\$100	2,308	4,576
\$20 × 5	\$100	2,308	4,576
\$25 × 4	\$100	2,308	4,576
\$50 × 2	\$100	2,308	4,576
\$100	\$100	2,308	4,576
SCARF w/ ((\$40 × 5) + (\$20 × 10))	\$400	10,000	1,056
\$40 × 10	\$400	40,000	264
\$50 × 8	\$400	40,000	264
\$100 × 4	\$400	40,000	264
\$400	\$400	40,000	264
SCARF w/ ((\$50 × 5) + (\$25 × 10))	\$500	13,333	792
\$50 × 10	\$500	120,000	88
\$100 × 5	\$500	120,000	88
\$500	\$500	120,000	88
SCARF w/ ((\$100 × 5) + (\$50 × 10))	\$1,000	30,000	352
\$100 × 10	\$1,000	120,000	88
\$500 × 2	\$1,000	120,000	88
\$1,000	\$1,000	120,000	88
\$500 × 10	\$5,000	660,000	16
\$1,000 × 5	\$5,000	660,000	16
\$5,000	\$5,000	660,000	16
\$10,000	\$10,000	440,000	24
\$100,000	\$100,000	660,000	16

Reveal a "SCARF" (SCARF) symbol, win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings' Requirements:*

(a) To be eligible for the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2012 \$100,000 Jolly Jackpot! promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2012 holiday instant lottery tickets.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings is via the Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1005 Fro\$ty Ca\$h (\$5) ticket will entitle the player to 5 entries.

(c) The qualifying Pennsylvania Lottery 2012 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1003 Merry Millions '12 (\$20) = 20 entries; PA-1004 Trim The Tree (\$10) = 10 entries; PA-1005 Fro\$ty Ca\$h (\$5) = 5 entries; PA-1006 Snowball Bucks '12 (\$3) = 3 entries; PA-1007 Sweet Winnings (\$2) = 2 entries; and PA-1008 Stocking Stuffer Doubler '12 (\$1) = 1 entry.

11. *Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received on or before 11:59:59 p.m. November 26, 2012, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, which will be held between November 27, 2012 and December 1, 2012, and the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(2) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received after 11:59:59 p.m. November 26, 2012, through 11:59:59 p.m. January 2, 2013, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(3) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 1, 2012.

(4) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 9, 2013.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! 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 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(d) If a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules and any material describing the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Enter-

tainment, LLC, and their subcontractors, 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 2012 \$100,000 Jolly Jackpot! second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings 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 2012 \$100,000 Jolly Jackpot! second-chance drawings prizes:*

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, held between November 27, 2012 and December 1, 2012, shall each be entitled to a prize of \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, held between January 3, 2013 and January 9, 2013, shall be entitled to a prize of \$100,000. 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 Fro\$ty Ca\$h 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 Fro\$ty Ca\$h, prize money from winning Pennsylvania Fro\$ty Ca\$h 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 Fro\$ty Ca\$h 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 Fro\$ty Ca\$h or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2063. Filed for public inspection October 19, 2012, 9:00 a.m.]

Pennsylvania Merry Millions '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 Merry Millions '12.

2. *Price:* The price of a Pennsylvania Merry Millions '12 instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Merry Millions '12 instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Jingle Bell (JINGLE) symbol, Gift (WIN250) symbol and a MERRY (MERRY) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$2,500, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2012 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Merry Millions '12 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 4,200,000 tickets will be printed for the Pennsylvania Merry Millions '12 instant game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MERRY (MERRY) symbol and a prize symbol of \$500 (FIV HUN) appears in two of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in twelve of the "prize" areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the "prize" areas, on a single ticket, shall be entitled to a prize of \$2,500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MERRY (MERRY) symbol and a prize symbol of \$100 (ONE HUN) appears in three of the "prize" areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in twelve of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MERRY (MERRY) symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MERRY (MERRY) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Gift (WIN250) symbol and a prize symbol of \$250 (TWOHUNFTY) appears under the Gift (WIN250) symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jingle Bell (JINGLE) symbol and a prize symbol of \$100 (ONE HUN) appears under the Jingle Bell (JINGLE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jingle Bell

(JINGLE) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears under the Jingle Bell (JINGLE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jingle Bell (JINGLE) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears under the Jingle Bell (JINGLE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Jingle Bell (JINGLE) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Jingle Bell (JINGLE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

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:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

\$10 × 2
\$20 w/ JINGLE BELL
\$20
\$20 × 2
\$40 w/ JINGLE BELL
\$40
\$10 × 5
(\$20 × 2) + \$10
\$50 w/ JINGLE BELL
\$50
\$20 × 5
\$50 × 2
(\$40 × 2) + (\$10 × 2)
\$100 w/ JINGLE BELL
\$100
(\$20 × 10) + (\$10 × 5)
(\$40 × 5) + (\$10 × 5)
\$50 × 5
\$250 w/ GIFT
\$250
MERRY w/ ((\$50 × 5) + (\$20 × 10) + (\$10 × 5))
MERRY w/ (\$25 × 20)
\$50 × 10
\$100 × 5
(\$250 w/ GIFT) + (\$50 × 5)

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,200,000 Tickets</i>
\$20	20	210,000
\$20	20	210,000
\$20	15	280,000
\$40	60	70,000
\$40	60	70,000
\$40	60	70,000
\$50	60	70,000
\$50	60	70,000
\$50	60	70,000
\$100	150	28,000
\$100	150	28,000
\$100	150	28,000
\$100	150	28,000
\$100	150	28,000
\$250	2,400	1,750
\$250	2,400	1,750
\$250	2,400	1,750
\$250	600	7,000
\$250	2,400	1,750
\$500	10,000	420
\$500	10,000	420
\$500	12,000	350
\$500	12,000	350
\$500	9,231	455

When Any Of Your Numbers Match Any
Winning Number, Win Prize Shown
Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,200,000 Tickets
(\$250 w/ GIFT) + \$250	\$500	9,231	455
\$500	\$500	12,000	350
MERRY w/ ((\$100 × 3) + (\$50 × 12) + (\$20 × 5))	\$1,000	15,000	280
\$50 × 20	\$1,000	15,000	280
\$100 × 10	\$1,000	15,000	280
\$500 × 2	\$1,000	15,000	280
(\$250 w/ GIFT) + (\$250 × 3)	\$1,000	15,000	280
\$1,000	\$1,000	15,000	280
MERRY w/ ((\$500 × 2) + (\$100 × 12) + (\$50 × 6))	\$2,500	420,000	10
\$500 × 5	\$2,500	420,000	10
(\$250 w/ GIFT) + (\$250 × 9)	\$2,500	420,000	10
\$2,500	\$2,500	420,000	10
\$100,000	\$100,000	420,000	10
\$1,000,000	\$1,000,000	840,000	5

Reveal a "JINGLE BELL" (JINGLE) symbol, win prize shown under it automatically.

Reveal a "GIFT" (WIN250) symbol, win \$250 instantly.

Reveal a "MERRY" (MERRY) symbol, win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings' Requirements:*

(a) To be eligible for the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2012 \$100,000 Jolly Jackpot! promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2012 holiday 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 2012 \$100,000 Jolly Jackpot! second-chance drawings is via the Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1003 Merry Millions '12 (\$20) ticket will entitle the player to 20 entries.

(c) The qualifying Pennsylvania Lottery 2012 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1003 Merry Millions '12 (\$20) = 20 entries; PA-1004 Trim The Tree (\$10) = 10 entries; PA-1005 Fro\$ty Ca\$h (\$5) = 5 entries; PA-1006

Snowball Bucks '12 (\$3) = 3 entries; PA-1007 Sweet Winnings (\$2) = 2 entries; and PA-1008 Stocking Stuffer Doubler '12 (\$1) = 1 entry.

11. *Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received on or before 11:59:59 p.m. November 26, 2012, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, which will be held between November 27, 2012 and December 1, 2012, and the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(2) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received after 11:59:59 p.m. November 26, 2012, through 11:59:59 p.m. January 2, 2013, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(3) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 1, 2012.

(4) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 9, 2013.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! 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 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(d) If a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules and any material describing the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, 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 2012 \$100,000 Jolly Jackpot! second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings 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 2012 \$100,000 Jolly Jackpot! second-chance drawings prizes:*

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, held between November 27, 2012 and December 1, 2012, shall each be entitled to a prize of \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, held between January 3, 2013 and January 9, 2013, shall be entitled to a prize of \$100,000. 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 Merry Millions '12 instant 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 Merry Millions '12 instant game, prize money from Pennsylvania Merry Millions '12 instant 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 Merry Millions '12 instant 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 Merry Millions '12 instant game or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2064. Filed for public inspection October 19, 2012, 9:00 a.m.]

Pennsylvania Snowball Bucks '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 Snowball Bucks '12.

2. *Price:* The price of a Pennsylvania Snowball Bucks '12 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Snowball Bucks '12 instant lottery game ticket will contain a "WINNING NUMBERS" area and three play areas designated as "GAME 1," "GAME 2" and "GAME 3." The play symbols located in the "WINNING NUMBERS" play area are: 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38,

39 and 40. The “snowball” play symbols located in the play areas are: 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area for “GAME 1” are: \$1⁰⁰ (ONE DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$30,000 (TRY THO) and \$50,000 (FTY THO). The prize symbols and their captions, located in the play area for “GAME 2” are: \$1.00 (ONE DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$25⁰⁰ (TWY FIV), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN) and \$10,000 (TEN THO). The prize symbols and their captions, located in the play area for “GAME 3” are: \$1⁰⁰ (ONE DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$75⁰⁰ (SVY FIV), \$100 (ONE HUN) and \$10,000 (TEN THO).

5. *Prizes:* “GAME 1” prizes shown are not multiplied, “GAME 2” prizes shown are tripled and “GAME 3” prizes shown are quintupled. The prizes that can be won in “GAME 1” are: \$1, \$3, \$5, \$10, \$15, \$25, \$50, \$75, \$100, \$500, \$1,000, \$10,000, \$30,000 and \$50,000. The prizes that can be won in “GAME 2” are: \$1, \$3, \$5, \$10, \$15, \$25, \$75, \$100 and \$10,000. The prizes that can be won in this “GAME 3” are: \$1, \$3, \$5, \$10, \$15, \$25, \$50, \$75, \$100 and \$10,000. The player can win up to 3 times on each ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2012 \$100,000 Jolly Jackpot! second-chance drawings for which non-winning Pennsylvania Snowball Bucks '12 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 7,440,000 tickets will be printed for the Pennsylvania Snowball Bucks '12 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50,000 (FTY THO) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10,000 (TEN THO) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$30,000 (TRY THO) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$30,000.

(d) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10,000 (TEN THO) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$30,000.

(e) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10,000 (TEN THO) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$10,000.

(f) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$75⁰⁰ (SVY FIV) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$375.

(j) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$300.

(k) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50⁰⁰ (FIFTY) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$75⁰⁰ (SVY FIV) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$225.

(m) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$25⁰⁰ (TWY FIV) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$125.

(n) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$75⁰⁰ (SVY FIV) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$75.

(p) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$25⁰⁰ (TWY FIV) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$75.

(q) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15⁰⁰ (FIFTN) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$75.

(r) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$50⁰⁰ (FIFTY) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10⁰⁰ (TEN DOL) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15⁰⁰ (FIFTN) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$45.

(u) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10⁰⁰ (TEN DOL) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$30.

(v) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$25⁰⁰ (TWY FIV) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$25.

(w) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$25.

(x) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$15⁰⁰ (FIFTN) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$15.

(y) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$15.

(z) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$3⁰⁰ (THR DOL) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$15.

(aa) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10⁰⁰ (TEN DOL) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$3⁰⁰ (THR DOL) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$9.

(cc) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$5.

(dd) Holders of tickets with all seven “snowball” play symbols in “GAME 3” matching seven of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1⁰⁰ (ONE DOL) in the “Prize” area for “GAME 3,” on a single ticket, shall be entitled to a prize of \$5.

(ee) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$3⁰⁰ (THR DOL) in the “Prize” area for “GAME 1,” on a single ticket, shall be entitled to a prize of \$3.

(ff) Holders of tickets with all five “snowball” play symbols in “GAME 2” matching five of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1⁰⁰ (ONE DOL) in the “Prize” area for “GAME 2,” on a single ticket, shall be entitled to a prize of \$3.

(gg) Holders of tickets with all three “snowball” play symbols in “GAME 1” matching three of the “WINNING NUMBERS” play symbols, and a prize symbol of \$1⁰⁰ (ONE DOL) in the “Prize” area for “GAME 1,” 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:

Scratch The WINNING NUMBERS. Then Scratch The Corresponding Numbers When They Appear In GAMES 1-3. When You Completely Match All Of The Numbers In Any GAME, Apply That GAME’s Multiplier To The PRIZE Shown For That GAME And Win That Amount. GAME 1 PRIZE Is Not Multiplied. Each GAME Is Played Separately. Win With:

Game 1 (X1)	Game 2 (X3)	Game 3 (X5)	Win:	Approximate Odds of 1 in:	Approximate No. Of Winners Per 7,440,000 Tickets
	\$1		\$3	20	372,000
\$3			\$3	16.67	446,400
		\$1	\$5	33.33	223,200
\$5			\$5	25	297,600
\$5		\$1	\$10	142.86	52,080
\$1	\$3		\$10	166.67	44,640
\$10			\$10	142.86	52,080
	\$5		\$15	100	74,400
		\$3	\$15	200	37,200
\$15			\$15	200	37,200
\$10		\$3	\$25	333.33	22,320
\$10	\$5		\$25	333.33	22,320
		\$5	\$25	500	14,880
\$25			\$25	500	14,880
\$5	\$10	\$3	\$50	960	7,750
\$25		\$5	\$50	800	9,300

Scratch The WINNING NUMBERS. Then Scratch The Corresponding Numbers When They Appear In GAMES 1-3. When You Completely Match All Of The Numbers In Any GAME, Apply That GAME's Multiplier To The PRIZE Shown For That GAME And Win That Amount. GAME 1 PRIZE Is Not Multiplied. Each GAME Is Played Separately. Win With:

			Win:	Approximate Odds of 1 in:	Approximate No. Of Winners Per 7,440,000 Tickets
\$50		\$10	\$50	800	9,300
\$5	\$15	\$5	\$50	800	9,300
\$10	\$5	\$10	\$75	6,000	1,240
	\$25		\$75	6,000	1,240
		\$15	\$75	6,000	1,240
\$75			\$75	6,000	1,240
\$10	\$5	\$15	\$100	12,000	620
\$5	\$15	\$10	\$100	12,000	620
\$25	\$25		\$100	12,000	620
\$100			\$100	12,000	620
\$75	\$100	\$25	\$500	24,000	310
\$25	\$75	\$50	\$500	24,000	310
\$50	\$25	\$75	\$500	24,000	310
		\$100	\$500	30,000	248
\$500			\$500	24,000	310
\$500		\$100	\$1,000	60,000	124
\$1,000			\$1,000	60,000	124
\$10,000			\$10,000	1,240,000	6
\$30,000			\$30,000	2,480,000	3
	\$10,000		\$30,000	2,480,000	3
\$50,000			\$50,000	1,488,000	5
		\$10,000	\$50,000	1,488,000	5

Game 1: (X1) = Win prize shown.
 Game 2: (X3) = Win triple the prize shown.
 Game 3: (X5) = Win five times the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings' Requirements:

(a) To be eligible for the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2012 \$100,000 Jolly Jackpot! promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2012 holiday 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 2012 \$100,000 Jolly Jackpot! second-chance drawings is via the Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1006 Snowball Bucks '12 (\$3) ticket will entitle the player to 3 entries.

(c) The qualifying Pennsylvania Lottery 2012 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1003 Merry Millions '12 (\$20) = 20 entries; PA-1004 Trim The Tree (\$10) = 10 entries; PA-1005 Fro\$ty Ca\$h (\$5) = 5 entries; PA-1006 Snowball Bucks '12 (\$3) = 3 entries; PA-1007 Sweet Winnings (\$2) = 2 entries; and PA-1008 Stocking Stuffer Doubler '12 (\$1) = 1 entry.

11. Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings:

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received on or before 11:59:59 p.m. November 26, 2012, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, which will be held between November 27, 2012 and December 1, 2012, and the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(2) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received after 11:59:59 p.m. November 26, 2012, through 11:59:59 p.m.

January 2, 2013, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(3) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 1, 2012.

(4) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 9, 2013.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! 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 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(d) If a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules and any material describing the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, 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 2012 \$100,000 Jolly Jackpot! second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania

Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings 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 2012 \$100,000 Jolly Jackpot! second-chance drawings prizes:

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, held between November 27, 2012 and December 1, 2012, shall each be entitled to a prize of \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, held between January 3, 2013 and January 9, 2013, shall be entitled to a prize of \$100,000. 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 Snowball Bucks '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).

14. Unclaimed Prize Money: For a period of 1 year from the announced close of Pennsylvania Snowball Bucks '12, prize money from winning Pennsylvania Snowball Bucks '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 Snowball Bucks '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.

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 Snowball Bucks '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2065. Filed for public inspection October 19, 2012, 9:00 a.m.]

Pennsylvania Stocking Stuffer Doubler '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 Stocking Stuffer Doubler '12.

2. *Price:* The price of a Pennsylvania Stocking Stuffer Doubler '12 instant lottery game ticket is \$1.

3. *Prize Play Symbols:* Each Pennsylvania Stocking Stuffer Doubler '12 instant lottery game ticket will contain one play area. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and a Double Candy Cane (DBLCANE) symbol.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100 and \$1,000. A player can win up to 1 time on a ticket.

5. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2012 \$100,000 Jolly Jackpot! second-chance drawings for which non-winning Pennsylvania Stocking Stuffer Doubler '12 instant lottery game tickets may be eligible as provided for in section 9.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 20,160,000 tickets will be printed for the Pennsylvania Stocking Stuffer Doubler '12 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(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 two matching prize play symbols of \$50⁰⁰ (FIFTY) and a Double Candy Cane (DBLCANE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching prize play symbols of \$40⁰⁰ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with two matching prize play symbols of \$20⁰⁰ (TWENTY) and a Double Candy Cane (DBLCANE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$40.

(f) 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.

(g) Holders of tickets with two matching prize play symbols of \$10⁰⁰ (TEN DOL) and a Double Candy Cane (DBLCANE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$20.

(h) 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.

(i) Holders of tickets with two matching prize play symbols of \$5⁰⁰ (FIV DOL) and a Double Candy Cane (DBLCANE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$10.

(j) 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.

(k) Holders of tickets with three matching prize play symbols of \$4⁰⁰ (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with two matching prize play symbols of \$2⁰⁰ (TWO DOL) and a Double Candy Cane (DBLCANE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$4.

(m) 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.

(n) Holders of tickets with two matching prize play symbols of \$1⁰⁰ (ONE DOL) and a Double Candy Cane (DBLCANE) symbol in the play area, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with three matching prize play symbols of \$1⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(p) 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 Stocking Stuffer Doubler '12 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>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 20,160,000 Tickets</i>
3-FREEs	FREE \$1 TICKET	10.71	1,881,600
3-\$1s	\$1	150	134,400
2-\$1s w/ DOUBLE CANDY CANE	\$2	33.33	604,800
3-\$2s	\$2	30	672,000

<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 20,160,000 Tickets</i>
2-\$2s w/ DOUBLE CANDY CANE	\$4	150	134,400
3-\$4s	\$4	150	134,400
3-\$5s	\$5	75	268,800
2-\$5s w/ DOUBLE CANDY CANE	\$10	120	168,000
3-\$10s	\$10	150	134,400
2-\$10s w/ DOUBLE CANDY CANE	\$20	600	33,600
3-\$20s	\$20	600	33,600
2-\$20s w/ DOUBLE CANDY CANE	\$40	2,087	9,660
3-\$40s	\$40	2,526	7,980
2-\$50s w/ DOUBLE CANDY CANE	\$100	5,333	3,780
3-\$100s	\$100	6,857	2,940
3-\$1,000s	\$1,000	120,000	168

Get two like amounts and a "DOUBLE CANDY CANE" (DBLCANE) symbol, win double that amount.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings' Requirements:

(a) To be eligible for the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2012 \$100,000 Jolly Jackpot! promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2012 holiday instant lottery tickets.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings is via the Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1008 Stocking Stuffer Doubler '12 (\$1) ticket will entitle the player to 1 entry.

(c) The qualifying Pennsylvania Lottery 2012 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1003 Merry Millions '12 (\$20) = 20 entries; PA-1004 Trim The Tree (\$10) = 10 entries; PA-1005 Fro\$ty Ca\$h (\$5) = 5 entries; PA-1006 Snowball Bucks '12 (\$3) = 3 entries; PA-1007 Sweet Winnings (\$2) = 2 entries; and PA-1008 Stocking Stuffer Doubler '12 (\$1) = 1 entry.

10. Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings:

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received on or before 11:59:59 p.m. November 26, 2012, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, which will be held between November 27, 2012 and December 1, 2012, and Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(2) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received after 11:59:59 p.m. November 26, 2012, through 11:59:59 p.m. January 2, 2013, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(3) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 1, 2012.

(4) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 9, 2013.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing, entries must have complied with the requirements of section 9.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(d) If a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2012 \$100,000 Jolly

Jackpot! second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules and any material describing the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, 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 2012 \$100,000 Jolly Jackpot! second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings 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).

11. Description of Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings prizes:

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, held between November 27, 2012 and December 1, 2012, shall each be entitled to a prize of \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, held between January 3, 2013 and January 9, 2013, shall be entitled to a prize of \$100,000. This prize shall be paid as a lump-sum cash payment.

12. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Stocking Stuffer Doubler '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).

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Stocking Stuffer Doubler '12, prize money from winning Pennsylvania Stocking Stuffer Doubler '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 Stocking Stuffer Doubler '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.

14. *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.

15. *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 Stocking Stuffer Doubler '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2066. Filed for public inspection October 19, 2012, 9:00 a.m.]

Pennsylvania Sweet Winnings 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 Sweet Winnings.

2. *Price:* The price of a Pennsylvania Sweet Winnings instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Sweet Winnings instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Drum (DRUM) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Igloo (IGLOO) symbol, Mitten (MITTEN) symbol, Nutcracker (NUTCRKR) symbol, Reindeer (RNDEER) symbol, Skate (SKATE) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMN) symbol, Stocking (STOCKING) symbol, Wreath (WREATH) symbol, Gingerbread Man (GBMAN) symbol and a Candy (CANDY) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1⁰⁰ (ONE DOL), FREE (TICKET), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, Free \$2 Ticket, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000 and \$25,000. The player can win up to 10 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2012 \$100,000 Jolly Jackpot! second-chance drawings for which non-winning Pennsylvania Sweet Winnings instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Sweet Winnings instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$25,000 (TWYFIVTHO) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$500 (FIV HUN) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of

\$40⁰⁰ (FORTY) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets with a Candy (CANDY) symbol in the play area, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$4⁰⁰ (FOR DOL) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$2⁰⁰ (TWO DOL) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of FREE (TICKET) in the “prize” area under that Gingerbread Man (GBMAN) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Sweet Winnings instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(p) Holders of tickets with a Gingerbread Man (GBMAN) symbol in the play area, and a prize symbol of \$1⁰⁰ (ONE DOL) in the “prize” area under that Gingerbread Man (GBMAN) 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:

<i>Reveal A “GINGERBREAD MAN” (GBMAN) Symbol, Win Prize Shown Under It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
FREE	FREE \$2 TICKET	15	800,000
\$2	\$2	75	160,000
\$1 x 4	\$4	50	240,000
\$2 x 2	\$4	50	240,000
\$4	\$4	50	240,000

Reveal A "GINGERBREAD MAN" (GBMAN) Symbol, Win Prize Shown Under It. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets	
\$1 × 5	\$5	75	160,000
(\$2 × 2) + \$1	\$5	75	160,000
\$5	\$5	75	160,000
\$1 × 10	\$10	300	40,000
\$2 × 5	\$10	150	80,000
\$5 × 2	\$10	150	80,000
\$10	\$10	300	40,000
\$2 × 10	\$20	375	32,000
\$5 × 4	\$20	375	32,000
\$10 × 2	\$20	375	32,000
\$20	\$20	500	24,000
\$5 × 5	\$25	2,400	5,000
\$25 w/ CANDY	\$25	400	30,000
\$25	\$25	2,400	5,000
\$4 × 10	\$40	2,400	5,000
\$5 × 8	\$40	2,400	5,000
\$10 × 4	\$40	2,400	5,000
\$20 × 2	\$40	2,400	5,000
\$40	\$40	3,000	4,000
\$5 × 10	\$50	6,000	2,000
\$10 × 5	\$50	6,000	2,000
(\$25 w/ CANDY) × 2	\$50	1,200	10,000
\$50	\$50	6,000	2,000
\$10 × 10	\$100	12,000	1,000
\$20 × 5	\$100	12,000	1,000
\$50 × 2	\$100	12,000	1,000
(\$25 w/CANDY) × 4	\$100	6,000	2,000
\$100	\$100	12,000	1,000
\$25 × 10	\$250	120,000	100
\$50 × 5	\$250	120,000	100
(\$100 × 2) + \$50	\$250	120,000	100
(\$25 w/ CANDY) × 10	\$250	60,000	200
\$250	\$250	120,000	100
\$50 × 10	\$500	120,000	100
\$100 × 5	\$500	120,000	100
\$500	\$500	120,000	100
\$100 × 10	\$1,000	120,000	100
\$1,000	\$1,000	120,000	100
\$25,000	\$25,000	1,200,000	10

Reveal a "CANDY" (CANDY) symbol, win \$25 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings' Requirements:*

(a) To be eligible for the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2012 \$100,000 Jolly Jackpot! promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2012 holiday instant lottery tickets.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings is via the Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1007 Sweet Winnings (\$2) ticket will entitle the player to 2 entries.

(c) The qualifying Pennsylvania Lottery 2012 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1003 Merry Millions '12 (\$20) = 20 entries; PA-1004 Trim The Tree (\$10) = 10 entries; PA-1005 Fro\$ty Ca\$h (\$5) = 5 entries; PA-1006 Snowball Bucks '12 (\$3) = 3 entries; PA-1007 Sweet Winnings (\$2) = 2 entries; and PA-1008 Stocking Stuffer Doubler '12 (\$1) = 1 entry.

11. *Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received on or before 11:59:59 p.m. November 26, 2012, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, which will be held between November 27, 2012 and December 1, 2012, and the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(2) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received after 11:59:59 p.m. November 26, 2012, through 11:59:59 p.m. January 2, 2013, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(3) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 1, 2012.

(4) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 9, 2013.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! 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 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(d) If a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules and any material describing the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, 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 2012 \$100,000 Jolly Jackpot! second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings 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 2012 \$100,000 Jolly Jackpot! second-chance drawings prizes:*

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, held between November 27, 2012 and December 1, 2012, shall each be entitled to a prize of \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, held between January 3, 2013 and January 9, 2013, shall be entitled to a prize of \$100,000. 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 Sweet Winnings 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 Sweet Winnings, prize money from winning Pennsylvania Sweet Winnings 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 Sweet Winnings 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 Sweet Winnings or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2067. Filed for public inspection October 19, 2012, 9:00 a.m.]

Pennsylvania Trim The Tree 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 Trim The Tree.

2. *Price*: The price of a Pennsylvania Trim The Tree instant lottery game ticket is \$10.

3. *Play Symbols*: Each Pennsylvania Trim The Tree instant lottery game ticket will contain one play area featuring 20 play symbols and their captions. The play symbols and their captions, located in the play area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gift (GIFT) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Icicle (ICICLE) symbol, Igloo (IGLOO) symbol, Mitten (MITTEN) symbol, Nutcracker (NTRKR) symbol, Ornament (ORNAMENT) symbol, Reindeer (RNDEER) symbol, Sack of Toys (TOYS) symbol, Skate (SKATE) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Stocking (STOCKING) symbol, Wreath (WREATH) symbol, Lights (LIGHTS) symbol, Star (STAR) symbol and a Santa (SANTA) symbol.

4. *Prize Symbols*: The prize symbols and their captions, located in the play area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$15^{.00} (FIFTN), \$30^{.00} (THIRTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$300,000 (THRHUNTHO).

5. *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$30, \$50, \$100, \$400, \$500, \$1,000, \$50,000 and \$300,000. The player can win up to 20 times on the ticket.

6. *Second-Chance Drawings*: The Pennsylvania Lottery will conduct two 2012 \$100,000 Jolly Jackpot! second-chance drawings for which non-winning Pennsylvania Trim The Tree instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game*: Approximately 6,000,000 tickets will be printed for the Pennsylvania Trim The Tree instant lottery game.

8. *Determination of Prize Winners*:

(a) Holders of tickets with a Santa (SANTA) symbol in the play area and a prize symbol of \$300,000 (THRHUNTHO) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets with a Santa (SANTA) symbol in the play area and a prize symbol of \$50,000 (FTY THO) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets with a Star (STAR) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the “prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a Santa (SANTA) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Star (STAR) symbol in the play area and a prize symbol of \$50^{.00} (FIFTY) in the “prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Santa (SANTA) symbol in the play area and a prize symbol of \$400 (FOR HUN) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Star (STAR) symbol in the play area and a prize symbol of \$10^{.00} (TEN DOL) in the “prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a Lights (LIGHTS) symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) in the “prize” area under that Lights (LIGHTS) symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Star (STAR) symbol in the play area and a prize symbol of \$5^{.00} (FIV DOL) in the “prize” area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$30^{.00} (THIRTY) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$30.

(n) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$15^{.00} (FIFTN) appears in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$10^{.00} (TEN DOL) in the “prize” area under that Santa (SANTA) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a Santa (SANTA) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) in the “prize” area under that Santa (SANTA) 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 “SANTA” (SANTA) 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 6,000,000 Tickets</i>
\$5 × 2	\$10	12	500,000
\$10	\$10	12	500,000
\$5 × 3	\$15	60	100,000
\$10 + \$5	\$15	30	200,000
\$15	\$15	30	200,000
\$5 × 6	\$30	200	30,000
\$10 × 3	\$30	300	20,000
\$15 × 2	\$30	300	20,000
\$30	\$30	200	30,000
\$10 × 5	\$50	120	50,000
\$5 w/ STAR	\$50	120	50,000
\$50 w/ LIGHTS	\$50	120	50,000
\$50	\$50	120	50,000
\$10 × 10	\$100	600	10,000
(\$30 × 3) + \$10	\$100	600	10,000
\$10 w/ STAR	\$100	600	10,000
(\$50 w/ LIGHTS) × 2	\$100	600	10,000
\$100	\$100	600	10,000
(\$30 × 10) + (\$10 × 10)	\$400	6,000	1,000
\$100 × 4	\$400	8,000	750
(\$100 × 2) + (\$50 × 4)	\$400	6,000	1,000
(\$50 w/ LIGHTS) × 8	\$400	6,000	1,000
(\$10 w/ STAR) × 4	\$400	12,000	500
\$400	\$400	8,000	750
\$100 × 5	\$500	15,000	400
\$400 + \$100	\$500	20,000	300
\$50 w/ STAR	\$500	12,000	500
(\$50 w/ LIGHTS) × 10	\$500	12,000	500
\$500	\$500	20,000	300
\$100 × 10	\$1,000	24,000	250
\$500 × 2	\$1,000	30,000	200
(\$10 w/ STAR) × 10	\$1,000	24,000	250
(\$50 w/ LIGHTS) × 20	\$1,000	24,000	250
\$1,000	\$1,000	24,000	250
(\$500 w/ STAR) × 10	\$50,000	600,000	10
\$50,000	\$50,000	600,000	10
\$300,000	\$300,000	600,000	10

Reveal a “STAR” (STAR) symbol, win 10 times the prize shown under it.
Reveal a “LIGHTS” (LIGHTS) symbol, win \$50 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery’s 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings’ Requirements:*

(a) To be eligible for the Pennsylvania Lottery’s 2012 \$100,000 Jolly Jackpot! second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket via the Lottery’s website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery’s website, click on the 2012 \$100,000 Jolly Jackpot! promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2012 holiday instant lottery tickets.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings is via the Lottery’s website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2012 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1004 Trim The Tree (\$10) ticket will entitle the player to 10 entries.

(c) The qualifying Pennsylvania Lottery 2012 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1003 Merry Millions '12 (\$20) = 20 entries; PA-1004 Trim The Tree (\$10) = 10 entries; PA-1005 Fro\$ty Ca\$h (\$5) = 5 entries; PA-1006 Snowball Bucks '12 (\$3) = 3 entries; PA-1007 Sweet Winnings (\$2) = 2 entries; and PA-1008 Stocking Stuffer Doubler '12 (\$1) = 1 entry.

11. Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Second-Chance Drawings:

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received on or before 11:59:59 p.m. November 26, 2012, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, which will be held between November 27, 2012 and December 1, 2012, and the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(2) All Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entries received after 11:59:59 p.m. November 26, 2012, through 11:59:59 p.m. January 2, 2013, will be entered in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, which will be held between January 3, 2013 and January 9, 2013.

(3) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 1, 2012.

(4) The winners of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 9, 2013.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! 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 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(d) If a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules and any material describing the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, 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 2012 \$100,000 Jolly Jackpot! second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(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 2012 \$100,000 Jolly Jackpot! second-chance drawings 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 2012 \$100,000 Jolly Jackpot! second-chance drawings prizes:

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Early Bird drawing, held between November 27, 2012 and December 1, 2012, shall each be entitled to a prize of \$10,000. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2012 \$100,000 Jolly Jackpot! Grand Prize drawing, held between January 3, 2013 and January 9, 2013, shall be entitled to a prize of \$100,000. 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 Trim The Tree 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 Trim The Tree, prize money from winning Pennsylvania Trim The Tree 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 Trim The Tree 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 Trim The Tree or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2068. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF STATE

Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee, under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Tuesday, November 13, 2012, at 12 p.m. for discussion of the Corporation Bureau's budget. The meeting will be held in Room 303/304, Executive Office Conference Room, Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meetings should contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 12-2069. Filed for public inspection October 19, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is available for sale by the Department:

Lamar Township, Clinton County. The parcel contains 0.458 acre (19,984.03 square feet) of improved land situated at 553 Long Run Road, Mill Hall, PA 17751. The estimated fair market value is \$13,200.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Department of Transportation, Engineering District 2-0, Attn: Right-of-Way, 1924 Daisy Street Extension, Clearfield, PA 16830.

BARRY J. SCHOCH, P. E.,
Secretary

[Pa.B. Doc. No. 12-2070. Filed for public inspection October 19, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions and Amendments to the List

The Fish and Boat Commission (Commission) has approved the addition of 13 new waters to its list of wild trout streams and adjusted the limits of one water as published at 42 Pa.B. 4672 (July 21, 2012) and corrected at 42 Pa.B. 5595 (August 25, 2012). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at http://www.fish.state.pa.us/trout_repro.htm.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-2071. Filed for public inspection October 19, 2012, 9:00 a.m.]

Designations and Redesignations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) designated or redesignated the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2013:

58 Pa. Code § 65.6. *Delayed Harvest Artificial Lures Only Areas*

The Commission extended the limits of the Delayed Harvest Artificial Lures Only area on Laurel Hill Creek, Section 3, Somerset County. The prior section limits extended from the Laurel Hill State Park Boundary at the Boy Scouts of America Camp downstream to the T-364 Bridge upstream of Laurel Hill Lake for a distance of 2.2 miles. The Commission extended this section 0.1 mile upstream for a new section length of 2.3 miles. The

new section limits will extend from 200 yards downstream of the T-364 Countryman Bridge downstream to the T-364 Bridge upstream of Laurel Hill Lake.

58 Pa. Code § 65.9. Big Bass Special Regulations

The Commission removed Memorial Lake, Lebanon County, from its list of Big Bass Regulation waters regulated and managed under 58 Pa. Code § 65.9.

58 Pa. Code § 65.10. Early Season Trout Stocked Waters Program

The Commission removed the following waters from the Early Season Trout Stocked Waters Program regulated and managed under 58 Pa. Code § 65.10.

<i>County</i>	<i>Water</i>
Allegheny	North Park Lake
Beaver	Bradys Run Lake
Beaver	Raccoon Lake (Main Lake)
Blair	Canoe Creek Lake
Butler	Harbar Acres Lake
Cambria	Duman Lake
Cambria	Lake Rowena
Cameron	George B Stevenson Reservoir
Clinton	Kettle Creek Lake
Columbia	Briar Creek Lake
Erie	East Basin Pond
Erie	Upper Gravel Pit
Erie	West Basin Pond
Erie	Lake Pleasant
Fayette	Dunlap Creek Lake
Fayette	Virgin Run Lake
Fayette/Somerset	Youghiogheny River
Fulton	Cowans Gap Lake
Jefferson	Cloe Lake
Lackawanna	Lackawanna Lake
Lawrence	Bessemer Lake
Luzerne	Lake Took A While
Luzerne	Lily Lake
Luzerne	Moon Lake
Luzerne	Lake Irena
Lycoming	Little Pine Lake
McKean	Bradford City Number Three Reservoir
Mercer	Shenango River
Monroe	Hidden Lake
Potter	Lyman Run Reservoir
Somerset	Laurel Hill Lake
Sullivan	Hunters Lake
Susquehanna	Quaker Lake
Tioga	Beechwood Lake
Tioga	Hamilton Lake
Venango	Two Mile Run Reservoir (Justus Lake)
Warren	Chapman Dam Reservoir

<i>County</i>	<i>Water</i>
Washington	Canonsburg Lake
Wayne	Upper Woods Pond
Westmoreland	Northmoreland Lake
Westmoreland	Donegal Lake
Westmoreland	Keystone Lake
Westmoreland	Twin Lakes Number One Reservoir
Westmoreland	Twin Lakes Number Two Reservoir
Westmoreland	Mammoth Lake

58 Pa. Code § 65.19. Approved Trout Waters Open to Year-Round Fishing

The Commission added the following waters to its list of Approved Trout Waters Open to Year-Round Fishing regulated and managed under 58 Pa. Code § 65.19.

<i>County</i>	<i>Water</i>
Allegheny	North Park Lake
Beaver	Bradys Run Lake
Beaver	Raccoon Lake (Main Lake)
Blair	Canoe Creek Lake
Butler	Harbar Acres Lake
Cambria	Duman Lake
Cambria	Lake Rowena
Cameron	George B Stevenson Reservoir
Clearfield	West Branch Susquehanna River, Section 03 (from the SR 1001 Bridge near Hyde downstream to the first railroad bridge downstream of Moose Creek)
Clinton	Kettle Creek Lake
Columbia	Briar Creek Lake
Erie	East Basin Pond
Erie	Upper Gravel Pit
Erie	West Basin Pond
Erie	Lake Pleasant
Fayette	Dunlap Creek Lake
Fayette	Virgin Run Lake
Fayette/Somerset	Youghiogheny River
Fulton	Cowans Gap Lake
Jefferson	Cloe Lake
Lackawanna	Lackawanna Lake
Lawrence	Bessemer Lake
Luzerne	Lake Took A While
Luzerne	Lily Lake
Luzerne	Moon Lake
Luzerne	Lake Irena
Lycoming	Little Pine Lake
McKean	Bradford City Number Three Reservoir
Mercer	Shenango River
Monroe	Hidden Lake
Potter	Lyman Run Reservoir

<i>County</i>	<i>Water</i>
Somerset	Laurel Hill Lake
Sullivan	Hunters Lake
Susquehanna	Quaker Lake
Tioga	Beechwood Lake
Tioga	Hamilton Lake
Venango	Two Mile Run Reservoir (Justus Lake)
Warren	Chapman Dam Reservoir
Washington	Canonsburg Lake
Wayne	Upper Woods Pond

<i>County</i>	<i>Water</i>
Westmoreland	Northmoreland Lake
Westmoreland	Donegal Lake
Westmoreland	Keystone Lake
Westmoreland	Twin Lakes Number One Reservoir
Westmoreland	Twin Lakes Number Two Reservoir
Westmoreland	Mammoth Lake

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-2072. Filed for public inspection October 19, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-477	Environmental Quality Board Measurement and Reporting of Condensable Particulate Matter Emissions 42 Pa.B. 4363 (July 7, 2012)	09/10/12	10/10/12
2-174	Department of Agriculture Food Code; Food Employee Certification 42 Pa.B. 5218 (August 11, 2012)	09/10/12	10/10/12

Environmental Quality Board Regulation #7-477 (IRRC #2955)

Measurement and Reporting of Condensable Particulate Matter Emissions

October 10, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the July 7, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Section 121.1.—Definitions.—Clarity.

Condensable particulate matter

A commentator recommends deleting the word “primary” from this definition because it is not used elsewhere in the regulation and could cause uncertainty. Upon our review of Section 121.1, we agree that definitions of “PM-10” and “PM_{2.5}” appear in this section, but the word “primary” is not used in conjunction with them. Unless the EQB can explain why the use of the word “primary” is clear and necessary in this definition, we recommend deleting the word “primary” from the definition of “condensable particulate matter.”

2. Section 139.12. Emissions of particulate matter.— Economic impact; Clarity.

PM-10 or PM_{2.5}

Several commentators suggested amending Subsection (c) to make it consistent with federal provisions (40 CFR 51.166(b)(49)(i)(d)(vi) and 52.21(b)(50)(i)). They suggest adding the phrase “PM-10 or PM_{2.5}” so that subsection (c) would read “Compliance with a particulate matter, *PM-10 or PM_{2.5}*, emission limitation . . .” (Emphasis added.) The EQB should either add this clarification or explain why it is unnecessary.

Test methods and procedures

Subsection (d) states, in part, that “. . . Test methods and procedures must be equivalent to those specified in § 139.4(5).” We note that existing Paragraph 139.4(5) is the Department of Environmental Protection’s (Department) Source Testing Manual. We have two concerns. First, as written, Subsection (d) is not clear regarding who makes the determination that a test method or procedure is equivalent to those specified in the Source Testing Manual. We recommend rewriting this provision so that it is clear who makes this determination. The EQB should also consider cross referencing Section 139.5 (relating to revisions to the source testing manual and continuous source monitoring manual) so that it is clear how the Department revises the Source Testing Manual.

Second, a commentator requests that the EQB adopt “EPA Conditional Test Method 039” as an equivalent alternate to Methods 201A/202 for compliance demonstration purposes. Is “EPA Conditional Test Method 039” equivalent to those specified in the Source Testing Manual?

3. Applicability of Section 127.705.—Economic impact; Clarity.

In the Preamble and Regulatory Analysis Form, the EQB states that this regulation is an update of current requirements, and consequently the amendments will not impose new or additional compliance costs. However, a commentator asked for clarification of whether this regulation will cause an increase in annual emission fees required by Section 127.705. We will review the EQB’s response to this comment as part of our determination of whether the final-form regulation is in the public interest.

**Department of Agriculture
Regulation #2-174 (IRRC #2962)
Food Code; Food Employee Certification
October 10, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the August 11, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

1. Section 46.3—Definitions.—Clarity.

Raw agricultural commodity

The proposed regulation defines this term as “food in its raw or natural state, including fruits which are washed, colored or otherwise treated in their unpeeled, natural form prior to marketing, or as otherwise defined in Section 5722 of the Food Safety Act . . .” (Emphasis added.) However, the definition of “raw agricultural commodity” in Section 5722 of the Food Safety Act is virtually identical to the definition in Section 46.3 of the proposed regulation. See 3 Pa.C.S.A. § 5722. The Department should either explain the reason why this phrase was included or delete it from the final-form regulation.

2. Section 46.212—Food prepared in a private home.—Implementation procedures; Clarity.

Subsection (a)

This subsection establishes general requirements for food prepared in private homes that is used or offered for human consumption in a retail food facility. Subsection (a)(3) states that the organization that uses the food “informs” the consumer that the food was prepared in an unlicensed and uninspected private home. The Department should specify what kind of notice is necessary to properly inform consumers that the food was prepared in an unlicensed and uninspected private home.

Subsection (b)

This subsection pertains to private homes registered as food establishments under the Food Safety Act. A commentator suggests that Subsection (b) could be interpreted to require private homes to register as food establishments in order to donate food as authorized under Subsection (a). Based on discussions with Department staff, we understand this is not the Department’s intent. Therefore, we recommend that the final-form regulation include language to clarify that Subsection (b) relates to foods prepared in private homes “except as

otherwise permitted under Subsection (a),” or explain why such clarification is not necessary.

3. Section 46.1141.—License requirement.—Implementation procedures; Clarity.

This section establishes the license requirements necessary to operate as a retail food facility. Subsection (c) establishes the intervals for license expiration for various types of retail food facilities. We raise two issues.

First, Subsection (c) establishes licensing intervals of 24 months, 18 months, 12 months and 6 months based on whether the retail food facility engages in various risk-based factors identified in the Model Food Code. The Department should explain how it determined that each of these timeframes represent the appropriate license expiration date for a retail food facility that meets these criteria.

Second, Subsection (c)(1)(iii) provides that the intervals between license expirations can increase should a retail food facility demonstrate that it has achieved “active managerial control of foodborne illness risk factors . . .” The final-form regulation should clarify what the Department considers appropriate “historical documentation” to validate that a retail food facility has achieved this level of control. This term is also used in Subsections (c)(2)(iii), (c)(3)(iii), and (c)(4)(iii).

4. Section 76.20.—Definitions.—Clarity.

Chapter 76 pertains to food employee certification. Section 76.20 defines certain terms used in the chapter, including “Act,” “Certificate,” “Conference for Food Protection,” “Department,” and “Employee.” This section states that these terms have the following meanings, “unless otherwise defined in Chapter 46.” However, only “Department” and “Employee” are also defined in Section 46.3. In addition, “Department” is the only term defined differently in Section 46.3, as it includes a reference to the Model Food Code. As a result, it is unclear how these terms included in Section 76.20 would be “otherwise defined in Chapter 46.” Therefore, we recommend that this phrase be deleted from the final-form regulation. In addition, to improve clarity, we also recommend that the definition for “Department” in Section 76.20 include the same language pertaining to the Model Food Code as that contained in Section 46.3.

5. Miscellaneous clarity.

Section 46.1144 (4) references a specific subpart of the Model Food Code. However, general references to the Model Food Code are used in the following sections of the proposed regulation:

- § 46.3
- § 46.1121(b)(1)
- § 46.1122(a)(1)(ii)
- § 46.1122(a)(2)
- § 46.1141(c)
- § 46.1141(c)(iii)

We recommend that the final-form regulation include specific cross-references to the Model Food Code, or the Department should explain why such references are not appropriate.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2073. Filed for public inspection October 19, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-94	Department of Labor and Industry Uniform Construction Code	10/1/12	11/15/12
16A-5613	State Real Estate Commission Education	10/4/12	11/15/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2074. Filed for public inspection October 19, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Blue Cross; Traditional Direct Pay Basic Rate Filing

Capital Blue Cross submitted a rate filing to increase the premium rates for its Traditional Direct Pay Basic product. The filing proposes a rate increase of 19.3% and will affect approximately 268 contacts holders. The proposed rate increase will generate approximately \$833,000 of additional annual revenue. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to January 3, 2013, 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2075. Filed for public inspection October 19, 2012, 9:00 a.m.]

Capital BlueCross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Contract; Rate Filing

By filing 12-35, Capital BlueCross and Capital Advantage Insurance Company requested approval to adjust the premium rates for the Individual Direct Pay Comprehensive Major Medical Benefit Program. The requested rate increase is 14.7% and applies to the Plans' 21-county Central Pennsylvania and Leigh Valley service area. The

proposed rate increase would affect approximately 4,848 contracts and would produce additional annual income of about \$5.1 million. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to January 3, 2013, 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. To access the filing: under "How to Find . . ." click on "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2076. Filed for public inspection October 19, 2012, 9:00 a.m.]

Determination of Appropriate Groupwide Supervisor

Under section 1406.2(c) of The Insurance Company Law of 1921 (act) (40 P.S. § 991.1406b(c)), the Insurance Department (Department), in cooperation with other supervisors, may determine that it is the appropriate groupwide supervisor for an international insurance group with substantial operations concentrated in this Commonwealth or in insurance operations conducted by subsidiary insurance companies domiciled in this Commonwealth where the ultimate controlling person is domiciled outside this Commonwealth.

In cooperation with other supervisory regulators, the Department has determined that it is the appropriate groupwide supervisor for the ACE Group of Companies (ACE Group). The ultimate controlling person of ACE Group is ACE Limited, the Swiss-incorporated holding company of ACE Group. ACE Group has substantial

operations in this Commonwealth. Additionally, this Commonwealth is the state of domicile for ACE American Insurance Company (NAIC No. 22667), the lead company in the ACE American Pool, which includes the following Commonwealth domestic companies:

- ACE Property and Casualty Insurance Company (NAIC No. 20699)
- ACE Fire Underwriters Insurance Company (NAIC No. 20702)
- Pacific Employers Insurance Company (NAIC No. 22748)
- Insurance Company of North America (NAIC No. 22713)
- Bankers Standard Insurance Company (NAIC No. 18279)
- Bankers Standard Fire and Marine Company (NAIC No. 20591)
- Indemnity Insurance Company of North America (NAIC No. 43575)

In addition, Century Indemnity Company (NAIC No. 20710), a run-off operation, Westchester Fire Insurance Company (NAIC No. 10030), Penn Millers Insurance Company (NAIC No. 14982) and American Millers Insurance Company (NAIC No. 23477) are domiciled in this Commonwealth.

Accordingly, this notice shall serve as publication by the Department under section 1406.2(d) of the act, which requires the Department to publish in the *Pennsylvania Bulletin* and on its web site the identity of international insurance groups that it has determined are subject to its groupwide supervision. This notice will also be available on the Department's web site at http://www.portal.state.pa.us/portal/server.pt/community/doing_business_in_pennsylvania/9264/group-wide_supervision_notices/1249075.

Questions regarding this notice should be directed to Stephen J. Johnson, Deputy Insurance Commissioner, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2077. Filed for public inspection October 19, 2012, 9:00 a.m.]

Highmark Health Insurance Company; Small Group Rate Filing

Highmark Health Insurance Company submitted a rate filing to increase the premium rates for its Small Group product. This filing will affect all groups with between 1 and 50 employees. The filing proposes a rate increase of 9.8% and will affect approximately 47,000 contacts holders. The proposed rate increase will generate approximately \$39.3 million of additional annual revenue. The requested effective date of the change is January 1, 2013.

Unless formal administrative action is taken prior to January 3, 2013, 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2078. Filed for public inspection October 19, 2012, 9:00 a.m.]

Progressive Advanced Insurance Company; Progressive Preferred Insurance Company; Progressive Specialty Insurance Company; Private Passenger Automobile; Usage Based Insurance Program; Rate and Rule Filing

On September 27, 2012, the Insurance Department (Department) received from Progressive Advanced Insurance Company, Progressive Preferred Insurance Company and Progressive Specialty Insurance Company a private passenger automobile rate and rule filing to amend their Usage Based Insurance Program.

The filing proposes to eliminate the constraint that an insured's usage based insurance discount can only be maintained at its current level or improved at renewal. Other language modifications are also proposed. The companies request an effective date of January 1, 2013.

Unless formal administrative action is taken prior to November 26, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. To access the filing: under "How to Find . . ." click "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2079. Filed for public inspection October 19, 2012, 9:00 a.m.]

QCC Insurance Company; Individual Guaranteed Issue PPO Rate Filing

QCC Insurance Company submitted a rate filing to increase the premium rates for its Individual Guaranteed Issue PPO product. The filing proposes a rate increase of 9.9% and will affect approximately 16,503 contacts holders. The proposed rate increase will generate approximately \$13 million of additional annual revenue. The requested effective date of the change is March 1, 2013.

Unless formal administrative action is taken prior to January 3, 2013, 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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2080. Filed for public inspection October 19, 2012, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Phillip M. Sardella; file no. 12-188-125955; Infinity Indemnity Insurance Company; Doc. No. P12-09-015; November 14, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons

participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2081. Filed for public inspection October 19, 2012, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-12-014, Dated September 14, 2012. Authorizes the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the United Food and Commercial Workers (UFCW) Union, Pennsylvania State Store Organizing Committee. The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period July 1, 2011 through June 30, 2015.

Governor's Office

Administrative Circular No. 12-12—Availability—2012 Commonwealth Telephone Directory, Dated August 24, 2012.

Administrative Circular No. 12-13—Holidays—2013, Dated September 21, 2012.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 12-2082. Filed for public inspection October 19, 2012, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Westmoreland County, Wine & Spirits Store #6521 (Relocation), Murrysville, PA

Lease expiration date: November 30, 2013

Lease retail commercial space to the Commonwealth.

Proposals are invited to provide the Liquor Control Board with approximately 8,000 net useable square feet of new or existing retail commercial space along US Route 22 (William Penn Highway) in Murrysville, PA. Storeroom should have access to free parking and be able to accommodate tractor trailer deliveries.

Proposals due: November 2, 2012, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate, Real Estate Region #3, 158 Purity Road, Suite B, Pittsburgh, PA 15235-4441
Contact: George D. Danis, (412) 723-0124

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 12-2083. Filed for public inspection October 19, 2012, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 5, 2012, at 9 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective January 1, 2013.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on October 26, 2012, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on October 26, 2012, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 3 p.m. on October 31, 2012, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and

opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 3 p.m. on November 14, 2012, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on November 29, 2012, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on November 16, 2012.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 12-2084. Filed for public inspection October 19, 2012, 9:00 a.m.]

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

2013 Mandatory In-Service Training Program Course Descriptions

The Municipal Police Officers' Education and Training Commission (Commission) approved four mandatory in-service training (MIST) courses for delivery in classroom and web based format. Municipal police departments and eligible law enforcement agencies with arrest authority whose officers attend the classroom format will be charged \$14.85 per course for each officer. Courses taken online will be offered at no cost. Legal Updates, Threat Assessment and Management, Managing Public Events and Emergency Vehicle Operation are courses included in the 2013 curriculum. The Pennsylvania Virtual Training Network (PAVTN) will be the delivery platform for officers to utilize when taking online courses. The online course format is modular, interactive and scenario driven. Participants enrolled in online courses will be able to leave and resume the course where they left off.

The registration process for online MIST is separate from the process to register for other training currently

available through the PAVTN. Chiefs of Police or their designated training officers, or both, shall register their officers through the Pennsylvania Chiefs of Police Association to take all four courses or part of the in-service training curriculum online. Commission-certified schools will continue to provide a monthly schedule of classes. Chiefs of Police or designee should contact the Commission school for their registration procedures.

Required and Legal Track

Course 13-201 Legal Update 3-Hour Course

This is a 3-hour MIST course covering important legal issues affecting and important to municipal police officers. This training program will cover topics such as:

1. Changes and updates to the Crimes Code.
2. Changes and updates to the Vehicle Code.
3. Changes and updates to the Rules of Criminal Procedure.
4. Changes to other statutes related to law enforcement.

Through this course, instructors will examine, review and explain significant court cases relevant to police officers in this Commonwealth. The overall goal of the curriculum is to demonstrate how the outcome of these cases directly impacts how police officers perform their duties. Additional goals of this course are to improve officer safety, to increase convictions and to reduce civil liability to police departments. Other content included through this module provides discussion relating to any other unique legal issues that developed in 2012.

Patrol and Officer Safety Track

Course 13-334 Threat Assessment and Management 3-Hour Course

Assessing and managing communicated and unspoken threats related to school/workplace violence, sexual crimes, stalking, cybercrimes (cyber stalking), domestic violence and terrorism is an important component of police response.

This course will address threat assessment principles, the process of identifying and analyzing threats and the importance of devising interview/interrogation strategies which can assist the officer/investigator in their approach to threat cases. Participants will be provided with opportunities to review and analyze various samples of communication.

Officers will learn to recognize and manage:

1. Violence assessment (behavioral antecedents, indicators and patterns of escalation towards targeted violence).
2. Evaluation of threatening, intimidating and harassing statements/behaviors.
3. Analysis of stalking behavior.
4. Interview strategies for perpetrators and victims.
5. Consultation with mental health professionals.
6. Recommendations for interviews, collecting and evaluation critical collateral data regarding the threats.

Course 13-335 Managing Public Events 3-Hour Course

This course will provide examples of different types of public events and the challenges associated with managing them. Discussion will address protest groups, civil rights/social groups, public rallies and sporting event celebrations. Constitutional and tactical suggestions regarding the management of demonstrations including crowd management/control tactics and logistics will be provided.

Video footage will be used to illustrate challenges posed by these events. Participants, using a case study, will practice how to apply principles addressed during instruction.

Course 13-336 Emergency Vehicle Operation—Remain in Control 3-Hour Course

This course will reinforce the importance of safe driving techniques and the need to be a focused driver. The course will focus on perceptual driving, night driving, vehicle inspections before the start of duty, driving in different types of weather, the use of seat belts, as well as the liability risks to the officer and the department. Additionally, this course will focus on the importance of pursuit policies, review new Vehicle Code laws and pertinent case law that can affect pursuit and emergency response driving policy and procedures. The course will also contain information from the Below 100 initiative to reduce line of duty police deaths.

COL. FRANK NOONAN,
Chairperson

[Pa.B. Doc. No. 12-2085. Filed for public inspection October 19, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Asset Purchase Agreement and Transfer of Customers

A-2012-2328630 and A-2012-2328654. Telrite Corporation and Applewood Communications Corporation. Joint application of Telrite Corporation and Applewood Communications Corporation for approval of an asset purchase agreement and transfer of customers from Applewood Communications to Telrite, and for the abandonment of Applewood's Certificate of Public Convenience as a telecommunications provider to the public in this Commonwealth.

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 November 5, 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: Telrite Corporation, Applewood Communications Corporation

Through and By Counsel: Leon Nowalsky, Esquire, Nowalsky, Bronston & Gothard, A Professional Limited Liability Company, 1420 Veterans Boulevard, Metairie, LA 70005

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2086. Filed for public inspection October 19, 2012, 9:00 a.m.]

Eligible Telecommunications Carriers; Lifeline Service

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of providing Lifeline service:

Q Link Wireless, LLC—Doc. No. P-2011-2275830

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket number within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petition at the Commission web site <http://www.puc.state.pa.us> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is David E. Screven, Assistant Counsel, Law Bureau (717) 787-5000.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2087. Filed for public inspection October 19, 2012, 9:00 a.m.]

Petition for Finding

P-2012-2328001. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Breiningsville 500-138-69 KV substation to be constructed in Upper Macungie Township, Lehigh County is reasonably necessary for the convenience or welfare of the public.

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 November 5, 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, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101

David B. MacGregor, Post & Schell, P.C., Four Penn Center, 1600 John F Kennedy Boulevard, Philadelphia, PA 19103

John H. Isom, Christopher T. Wright, Post & Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2088. Filed for public inspection October 19, 2012, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 5, 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 the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2012-2324111. Casino Express, LLC (2536 Eastern Boulevard, #127, York, York County, PA 17402)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, from points in the County of York to the Hollywood Casino at Penn National Race Course, Grantville, Dauphin County, and return.

A-2012-2325093. Ruth T. and Clarence N. Kauffman, Tenants By Entirety, t/d/b/a Kauffman Transport (483 Deer Run Drive, McAlisterville, Juniata County, PA 17049)—discontinuance of service and cancellation of its certificate—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Juniata and Mifflin, and from points in said Counties, to points in Pennsylvania, and return. *Attorney:* Donald K. Zagurskie, Esquire, 117 Main Street, P. O. Box 0, Mifflin, PA 17058.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2089. Filed for public inspection October 19, 2012, 9:00 a.m.]

Telecommunications

A-2012-2327524. Frontier Communications of Pennsylvania, LLC, Frontier Communications of Oswayo, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Breezewood, LLC and Sprint Spectrum, LLC. Joint petition of Frontier Communications of Pennsylvania, LLC, Frontier Communications of Oswayo, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Breezewood, LLC and Sprint Spectrum, LLC for approval of amendment No. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, LLC, Frontier Communications of Oswayo, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Breezewood, LLC and Sprint Spectrum, LLC, by its counsel, filed on October 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Pennsylvania, LLC, Frontier Communications of Oswayo, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Breezewood, LLC and Sprint Spectrum, 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. 12-2090. Filed for public inspection October 19, 2012, 9:00 a.m.]

Transfer of Assets and Customer Base

A-2012-2328441. Infotelecom, LLC and Broadvox-CLEC, LLC. Joint application of Infotelecom, LLC and Broadvox-CLEC, LLC for approval of a pro forma transaction involving the transfer of assets and customer base from Infotelecom, LLC to Broadvox-CLEC, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 29, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Infotelecom, LLC, Broadvox-CLEC, LLC

Through and By Counsel: Nadine J. Ezzie, Esquire, Corporate Counsel, Broadvox-CLEC, LLC, 75 Erieview Plaza, Suite 400, Cleveland, OH 44114

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2091. Filed for public inspection October 19, 2012, 9:00 a.m.]

Transfer of Assets and Customers

A-2012-2328386. Spectrotel, Inc. and Spectrotel of Pennsylvania, LLC. Joint application of Spectrotel, Inc. and Spectrotel of Pennsylvania, LLC for authority to transfer assets and customers from Spectrotel, Inc. to Spectrotel of Pennsylvania, LLC, and for the abandonment of Spectrotel, Inc.'s Certificate of Public Convenience as a telecommunications provider in this Commonwealth.

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 November 5, 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: Spectrotel, Inc., Spectrotel of Pennsylvania, LLC

Through and By Counsel: Sharon Thomas, Consultant, Technologies Management, Inc., 2600 Maitland Center Parkway, Suite 300, Maitland, FL 32751

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2092. Filed for public inspection October 19, 2012, 9:00 a.m.]

Water Service

A-2012-2328361. Pennsylvania American Water Company and Indian Rocks Property Owners Association, Inc. of Ledgedale. Application of Pennsylvania American Water Company and Indian Rocks Property Owners Association, Inc. of Ledgedale for approval of: 1) the transfer, by sale, of the water works property and rights of Indian Rocks property Owners Association, Inc. of Ledgedale to Pennsylvania American Water Company; and 2) the commencement of Pennsylvania American Water Company of water service to the public in Salem Township, Wayne County, presently being served by Indian Rocks Property Owners Association Inc. of Ledgedale.

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 November 5, 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, Es-
quire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2093. Filed for public inspection October 19, 2012, 9:00 a.m.]
