

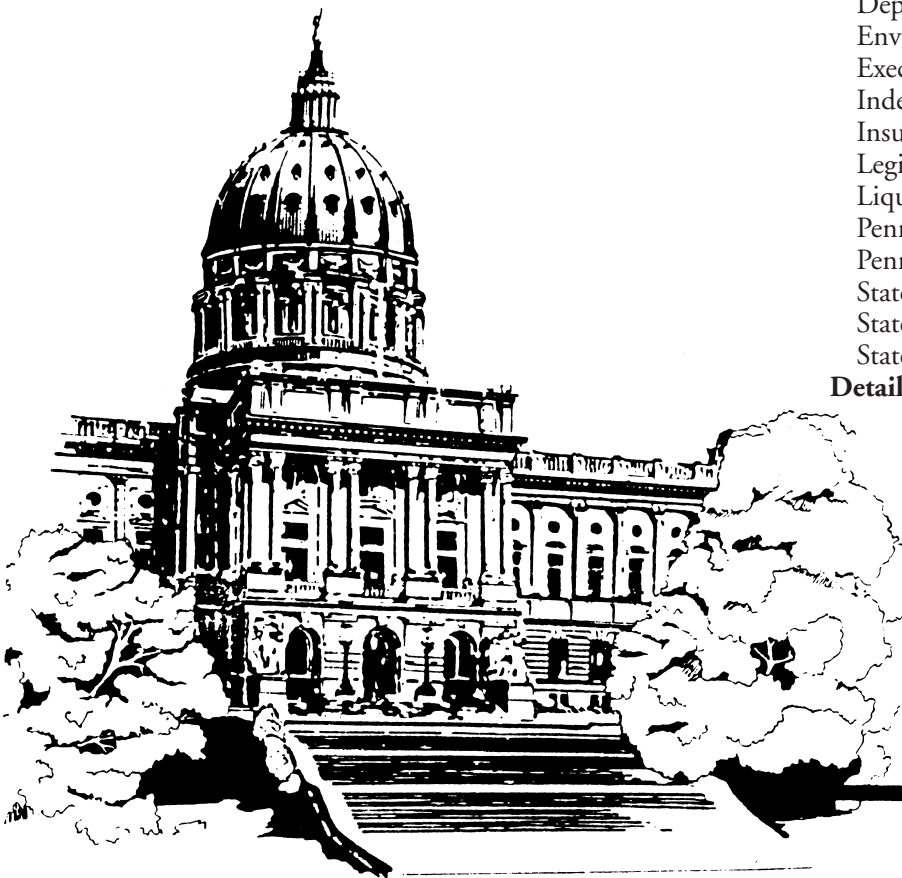
PENNSYLVANIA BULLETIN

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Agencies in this issue

The General Assembly
The Courts
Department of Banking and Securities
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Revenue
Environmental Quality Board
Executive Board
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Pennsylvania Convention Center Authority
Pennsylvania Public Utility Commission
State Board of Medicine
State Board of Nursing
State Police

Detailed list of contents appears inside.



**Latest Pennsylvania Code Reporters
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No. 457, December 2012

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CONTENTS

THE GENERAL ASSEMBLY

Recent actions during the 2012 regular session of the General Assembly	7519
--	------

THE COURTS

ALLEGHENY COUNTY RULES

Amended civil rules of the court of common pleas; no. 2 of 2012 rules doc.	7527
Establishment of a booking center fund fee; AD-12-314-PJ	7531

JUDICIAL SYSTEM GENERAL PROVISIONS

Electronic case records public access policy of the Unified Judicial System of Pennsylvania	7520
---	------

LOCAL COURT RULES

Westmoreland County

Filing of medical or social history information; nr. 65-93-895	7532
--	------

MINOR COURT CIVIL RULES

Proposed amendments to Rule 1002	7525
--	------

RULES OF CIVIL PROCEDURE

Amendment of Rules 1910.25 and 1910.25-5 of the Rules of Civil Procedure; no. 571 civil procedural rules doc.	7521
Amendment of Rules 1910.27, 1910.29 and 1910.50 of the Rules of Civil Procedure; no. 570 civil procedural rules doc.	7522

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING AND SECURITIES

Rules and Regulations

Transfer of regulations	7533
-------------------------------	------

Notices

Actions on applications	7540
Maximum lawful rate of interest for residential mortgages for the month of January 2013	7541

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices	7541
Availability of technical guidance	7607
Board and committee meeting schedules for 2013 ..	7608

DEPARTMENT OF GENERAL SERVICES

Notices

Issuance of invitation for bids for publication of the <i>Pennsylvania Code</i> and <i>Pennsylvania Bulletin</i>	7611
---	------

DEPARTMENT OF HEALTH

Notices

Application of Aria Health Bucks Campus for exception	7611
Availability of Title V funds through Child Injury Prevention Program small no-bid grant	7611

Long-term care nursing facilities; request for exception	7615
Recognized lifeguard certifying authorities for 2013 ..	7616

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Consumer Price Index adjustment of base amounts on bids effective January 1, 2013	7616
---	------

DEPARTMENT OF REVENUE

Notices

Rates of tax on aviation gasoline and jet fuel for 2013; oil company franchise tax rate for 2013; alternative fuels tax rates for 2013	7617
--	------

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemakings

Acceptance of rulemaking petition for study	7535
---	------

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Board of Probation and Parole	7536
Reorganization of the Department of Labor and Industry	7536
Reorganization of the Governor's Office of Administration	7536

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued	7619
Notice of filing of final rulemakings	7622

INSURANCE DEPARTMENT

Notices

Appeal of 515-517 Conchester, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF file no. 2002-0049(M); doc. no. UT12-11-024	7622
Coal Mine Compensation Rating Bureau; workers' compensation loss cost filing	7622
Keystone Health Plan Central; HMO conversion rate filing	7623

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published	7623
---	------

LIQUOR CONTROL BOARD

Notices

Expiration of leases	7623
----------------------------	------

PENNSYLVANIA CONVENTION CENTER AUTHORITY

Notices

Statements of net assets	7624
--------------------------------	------

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Default service program	7625
Eligible telecommunications carriers; lifeline service	7625

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

7512

Intra-company transactions 7626
Petition for finding 7626
Service of notice of motor carrier applications 7626
Transfer of control 7626
Transfer of stock 7627
Water service 7627

STATE BOARD OF MEDICINE

Notices

Bureau of Professional and Occupational Affairs v.
Roger W. Farris, II, MD; doc. no. 0454-49-12 7627

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v.
Karry Ann Fisher, RN; doc. no. 0071-51-12 7627

STATE POLICE

Notices

Sex offender registration approved registration
sites 7628

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	1631, 6998
5	3559, 3561, 5146
6	1633, 3199, 3559, 3561, 3563, 5146, 7000
7	5148
7a	3566, 5148

Statements of Policy

1	5506
9	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371, 5747, 6140, 6293, 6643, 7016, 7168, 7536
58	6544
68	5242

7 Pa. Code (Agriculture)

Proposed Rules

46	5218
76	5218
143	1378

10 Pa. Code (Banking and Securities)

Adopted Rules

101	7533
102	7533
202	7533
203	7533
204	7533
205	7533
206	7533
207	7533
209	7533
210	7533
211	7533
301	7533
302	7533
303	7533
304	7533
305	7533
401	7533
403	7533
404	7533
501	7533
504	7533
513	7533
601	7533
602	7533
603	7533
605	7533
606	7533
609	7533
610	7533
701	7533
901	7533
1001	7533

Statements of Policy

604	7533
-----	------

22 Pa. Code (Education)

Adopted Rules

4	1859
10	4574

Proposed Rules

4	6365
73	5872

Statements of Policy

731	5752
-----	------

25 Pa. Code (Environmental Protection)

Adopted Rules

77	6536
86	7013
93	7412
121	4459
126	4459
128	4462
130	4463
208	7414
806	2193

Proposed Rules

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

Statements of Policy

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

31 Pa. Code (Insurance)

Proposed Rules

161	5629
163	5628

34 Pa. Code (Labor and Industry)

Adopted Rules

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

Proposed Rules

65	2378
225	4468
401	1861
403	1861

40 Pa. Code (Liquor)

Adopted Rules

3	388
11	4465

Proposed Rules

5	6138
15	1504

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

7	5736
11	7267
16	2955, 5484
17	5484
18	2955
21	5486

27 5182
 31 6897
 33 769, 5736
 35 1376
 36 6541
 43b 5493, 7275

Proposed Rules

16 1122, 2469, 3597
 18 2469, 3597
 25 2474, 3607
 27 5353
 41 5355
 43b 5742
 47 5744
 48 5744
 49 5744

52 Pa. Code (Public Utilities)

Adopted Rules

54 5185
 57 9
 59 9, 5967
 62 2159
 63 3728
 65 9
 67 9, 5969
 1055 777

Proposed Rules

54 796, 3458
 59 3454, 6637
 62 2034, 3458
 69 3458, 3458
 72 3458
 1005 2746

Statements of Policy

69 1034, 1044

55 Pa. Code (Public Welfare)

Adopted Rules

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

Statements of Policy

1187 3748
 3270 675
 3280 675
 3290 675

58 Pa. Code (Recreation)

Adopted Rules

61 6289
 65 3445
 69 1502
 71 1859
 131 5213, 7106
 133 7106
 135 3581, 7107
 139 3581
 141 3588, 3590, 3591, 3592, 3593, 5214, 7108
 143 5215

147 3594, 4305, 5216, 7109
 401a 2585, 5857
 423a 5857
 427a 5857
 433a 5857
 435a 5857
 436a 5857
 461a 2585, 4305
 465a 2585
 467a 2585
 513a 5857
 521 2585, 2629
 523 2649
 524 2675, 4305
 525 2585
 526 2629
 527 2629
 528 2675, 4305
 529 2675, 4305
 531 2877
 533 2877
 535 2886
 537 2886
 539 2886
 541 2906
 543 2906
 545 2906
 549 2922, 4320
 551 2686
 553 2686
 555 4320, 4584
 557 4333
 559 4333
 561 2922, 4320
 563 4320, 4584
 565 4333
 567 2877
 569 4333
 571 2686
 573 2686
 577 4697
 579 5865
 601a 2629
 603a 2649
 605a 2675, 4305
 609a 2629
 611a 2629
 613a 2675, 4305
 615a 2675, 4305
 617a 2877
 619a 2877
 621a 2886
 623a 2886
 625a 2886
 627a 2906
 629a 2906
 631a 2906
 633a 2922, 4320
 635a 2686
 637a 2686
 639a 4320, 4584
 641a 4333
 643a 4333
 645a 2922, 4320
 647a 4320, 4584
 649a 4333
 651a 2877
 653a 4333
 655a 2686
 657a 2686

Proposed Rules

29 4720
 61 1862
 65 3449
 75 3449
 93 3446
 99 3446
 105 3446
 109 3446
 115 4472
 131 3268, 5236
 133 5238
 135 1238, 5235
 139 1238, 1864
 141 1231, 1232, 1233, 1235, 1236, 3268, 5234
 143 3267
 147 1244, 3270, 5236, 6760
 401a 2962
 435a 2962
 437a 2962
 441a 2962
 461a 6761
 463a 6761
 464a 6761
 465a 6761
 607a 6761
 627a 6761
 629a 6761
 631a 6761
 633a 6761

Statements of Policy

436b 5875

61 Pa. Code (Revenue)

Adopted Rules

5 7279

Proposed Rules

7 1222
 117 2381
 119 2381
 121 2381
 901 1222

64 Pa. Code (Reserved and Renumbered)

Adopted Rules

101 7533
 102 7533
 202 7533
 203 7533
 204 7533
 205 7533
 206 7533
 207 7533
 209 7533
 210 7533
 211 7533
 301 7533
 302 7533
 303 7533
 304 7533
 305 7533
 401 7533
 403 7533
 404 7533
 501 7533
 504 7533
 513 7533
 601 7533

602 7533
 603 7533
 605 7533
 606 7533
 609 7533
 610 7533
 701 7533
 901 7533
 1001 7533

Statements of Policy

604 7533

67 Pa. Code (Transportation)

Adopted Rules

43 6290
 231 25
 255 6291

Proposed Rules

17 5627
 84 3746
 175 4704
 441 5497
 443 4702

Statements of Policy

190 2481

101 Pa. Code (General Assembly)

Statements of Policy

31 29, 7282

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

2 4907
 5 4907, 7246

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 5854, 5855
 81 1637, 2186, 3127, 3431
 82 1638
 83 1637, 1639, 2186, 3127, 3431
 85 5156
 87 5156, 6864
 89 5156, 6864
 91 5156, 6864
 93 5156, 6864
 211 7404
 213 7520
 303 6072

Proposed Rules

213 658
 303 1798, 4846

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 2269, 7007
 3 374, 4693
 9 2269
 11 2269
 15 2269
 37 3569
 67 1642, 4450
 69 4450

Proposed Rules

1 1640
 3 1360
 15 1360

19	1986
21	1640, 7246, 7247
37	659

225 Pa. Code (Rules of Evidence)**Adopted Rules**

Article VI	1858
------------------	------

Proposed Rules

Article VIII	6871
--------------------	------

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

200	377, 1363
1000	6872
1700	2954
1910	379, 545, 930, 7091, 7521, 7522
3000	4907
4000	3574
Part II	4908

Proposed Rules

200	377
1000	6244
1900	3722, 6245
1910	1642, 3722, 3724, 3726, 7404
1915	1660, 6246, 7408
1930	6247
2220	6244
3000	6130
Part II	5730

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

1	1364, 4140, 5333, 6622
2	6247
3	6247, 6622
4	6247
5	2465, 4140, 5333, 6247, 6622
6	545, 4140, 6247, 6622
8	6635
9	4140, 5347, 6247
10	4140, 5333

Proposed Rules

1	380, 5164
4	6529
5	1369, 4568, 5732, 6252, 6254
6	380, 1369, 4568, 5732
8	4568, 6254

237 Pa. Code (Juvenile Rules)**Adopted Rules**

1	547, 3203, 5734
2	4908, 4909, 5350
3	3203, 4909, 5350
4	664, 4909, 5350
5	1214, 4909
6	1214
8	4909

Proposed Rules

1	5470, 5480, 5734, 7248
3	7248
4	7248
5	7248
6	7248
8	7248
11	5470, 5480, 5734, 7257
12	7257
16	7257
18	5470, 5734

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

1000	4913
------------	------

Proposed Rules

200	1116
300	1116, 7007
400	7007
1000	7525

249 Pa. Code (Philadelphia Rules)

Unclassified ...	1217, 1372, 2186, 2188, 2467, 3130, 4160, 5965, 6262, 6873, 7010, 7263
------------------	--

252 Pa. Code (Allegheny County Rules)

Unclassified	930, 2727, 3436, 3437, 3438, 3439, 3440, 7093, 7527, 7531
-------------------	---

255 Pa. Code (Local Court Rules)

Unclassified	8, 203, 550, 551, 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375, 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271, 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440, 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913, 4914, 5167, 5179, 5180, 5482, 5622, 5625, 5626, 5855, 6131, 6132, 6135, 6262, 6282, 6286, 6532, 6533, 6534, 6636, 6758, 6887, 7010, 7097, 7104, 7264, 7265, 7409, 7532
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THE GENERAL ASSEMBLY

Recent Actions during the 2012 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2012 General Acts of Regular Session Enacted—Act 207 through 211					
207	Nov 1	SB0201	PN2384	120 days	Insurance Company Law of 1921—coverage of prescriptions
208	Nov 1	SB0341	PN2473	30 days	Agriculture Code (3 Pa.C.S.)—Automotive Fuel Testing and Disclosure Program
209	Nov 1	SB0390	PN2490	60 days	Vehicle Code (75 Pa.C.S.)—width of vehicles
210	Nov 1	SB1225	PN2411	Immediately	Education Code (24 Pa.C.S.)—public library code
211	Nov 1	SB1402	PN2415	60 days	Fish and Boat Code (30 Pa.C.S.)—omnibus amendments

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the “Commonwealth of Pennsylvania.”

ROBERT ZECH, Jr.,
Director

[Pa.B. Doc. No. 12-2417. Filed for public inspection December 14, 2012, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 213]

Electronic Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following amendments to the Electronic Case Records Public Access Policy of the Unified Judicial System of Pennsylvania have been approved by the Supreme Court and shall be effective January 1, 2013. The changes to the policy are shown in bold; deletions are shown in bold and brackets.

The entire policy, including these amendments and other related information can be found on the Unified Judicial System's public access webpage located at <http://www.pacourts.us>.

Filed in the Administrative Office of Pennsylvania Courts on November 26, 2012.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

Subchapter C. ELECTRONIC CASE RECORD PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

§ 213.71. Definitions.

(a) "CPCMS" means the Common Pleas Criminal Court Case Management System.

(b) "Custodian" is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

(c) "Electronic Case Record" means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format. **This definition does not include images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS and any other automated system maintained by the Administrative Office of Pennsylvania Courts.**

(d) "MDJS" means the Magisterial District Judge Automated System.

(e) "Office" is any entity that is using one of the following automated systems: Pennsylvania Appellate

Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS).

(f) "PACMS" means the Pennsylvania Appellate Court Case Management System.

(g) "Party" means one by or against whom a civil or criminal action is brought.

(h) "Public" includes any person, business, non-profit entity, organization or association.

(1) "Public" does not include:

(i) Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;

(ii) people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

(iii) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

(i) "Public Access" means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

(j) "Request for Bulk Distribution of Electronic Case Records" means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

(k) "UJS" means the Unified Judicial System of Pennsylvania.

(l) "Web Docket Sheets" are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

2013 Commentary

The definition of "electronic case records" was amended to exclude images of documents filed with, received, produced or maintained by a court or office which are stored in PACMS, CPCMS or MDJS and any other automated system maintained by the Administrative Office of Pennsylvania Courts.

While the Judiciary is presently piloting, on a limited basis, e-filing in the statewide case management systems, design and development efforts have not advanced to allow for online publication or bulk dissemination of images of e-filed documents.

§ 213.74. Requests for Bulk Distribution of Electronic Case Records.

(a) A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.

(b) A request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or

privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

(i) the purpose/reason for the request;

(ii) identification of the information sought;

(iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; [and]

(iv) certification that the information will not be used except for the stated purposes[.]; and

(v) whether IRB approval has been received, if applicable.

2013 Commentary

An Institutional Review Board (“IRB”) ascertains the acceptability of and monitors research involving human subjects. An IRB will typically set forth requirements for research projects, such as where the information is to be kept, who has access, how the information is codified, and what information is needed for matching purposes. If there is IRB approval documentation setting forth the information required under Subsection B(2), such documentation may be sufficient to satisfy the “writing” requirement of this subsection.

[Pa.B. Doc. No. 12-2418. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of Rules 1910.25 and 1910.25-5 of the Rules of Civil Procedure; No. 571 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 30th day of November, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 3724 (June 30, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.25 and 1910.25-5 of the Pennsylvania Rules of Civil Procedure 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 on December 30, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.25. Enforcement. Support Order. Civil Contempt. Petition. Service. No Answer Required.

(a) Upon failure to comply with an order of support, a petition for civil contempt

(1) may be filed by the obligee at any time, or

(2) shall be filed by the domestic relations section

(i) immediately upon the accrual of arrearages in any amount for fifteen days where it is known at the outset that income cannot be attached; or

(ii) immediately upon learning that an order for income withholding pursuant to Rule 1910.21 has been ineffective, or within twenty days of failure to comply with the order of support, whichever is earlier.

Official Note: Except as provided in 23 Pa.C.S. § 4355 relating to suspension of licenses, an order entered pursuant to a contempt proceeding which establishes a rate of repayment on overdue support does not preclude the use of other remedies under Title 23 or these Rules for collecting overdue support more quickly, whenever feasible.

(b) The petition shall begin with an order of court in substantially the following form:

[CAPTION] ORDER OF COURT

Legal proceedings have been brought against you alleging that you have disobeyed an order of court for support.

(1) **A critical issue in the contempt proceeding is your ability to pay and comply with the terms of the support order.** If you wish to defend against the claim set forth in the following pages, you may, but are not required to, file in writing with the court your defenses or objections.

(2) You, _____, Respondent, must appear in person in court on _____ (day and date) at _____ (a.m./p.m.) in (court) room _____, _____ (address).

IF YOU DO NOT APPEAR IN PERSON, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST AND YOU MAY BE COMMITTED TO JAIL.

(3) If the court finds that you have willfully failed to comply with its order for support, you may be found to be in contempt of court and committed to jail, fined or both.

You will have the opportunity to disclose income, other financial information and any relevant personal information at the conference/hearing so that the court can determine if you have the ability to pay. You may also tell the court about any unusual expenses that may affect your ability to pay. You may fill out the enclosed Income Statement and Expense Statement forms and submit them to the court.

At the conference/hearing, the contempt petition may be dismissed, new and/or modified purge conditions may be imposed, or the judge may order you to jail. If the obligee fails to appear, the court will proceed with the case and enter an appropriate order.

YOU ARE REQUIRED TO BRING:

Your most recent pay stub for any and all employers

Payroll address, phone number, fax number and contact person

Proof of medical coverage

Any other documentation relevant to your case and the issue of contempt as stated in the petition, including the completed Income Statement and Expense Statement forms. For example, other documentation that may be relevant includes documents related to claims for unemployment compensation, workers' compensation and Social Security benefits.

BY THE COURT:

DATE OF ORDER: _____ Judge

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

Official Note: Neither Rule 1018.1 (Notice to Defend) nor Rule 1361 (Notice to Plead) apply to a petition for enforcement of support.

(c) The petition shall aver the facts alleged to constitute the failure to comply with the support order. The petition shall set forth the amount of support arrearages, if any, as provided by the domestic relations section. Unless specially ordered by the court, no answer to the petition is required.

(d) The petition shall be served upon the respondent

(1) by ordinary mail with the return address of the domestic relations section appearing thereon; or

(2) by any form of mail which requires the respondent to sign a receipt; or

(3) by a competent adult; or

Official Note: See Rule 76 for the definition of "competent adult."

(4) pursuant to special order of court. A respondent who attends the conference and/or hearing in person shall be deemed to have been served.

(e) The court may issue a bench warrant as provided by Rule 1910.13-1 for failure of the respondent to appear.

(f) The respondent shall be advised in the Order/Notice to Appear that his or her present ability to pay is a critical issue in the contempt proceeding. The respondent shall be provided with Income and Expense Statements to demonstrate financial ability to pay. At the hearing, the respondent shall be provided the opportunity to respond to any ques-

tions about his or her financial status. The trier of fact shall issue an express finding that the respondent does or does not have the present ability to pay.

Explanatory Comment—2012

The amendments to the form in subdivision (b) and new subdivision (f) are intended to assure compliance with the U.S. Supreme Court's decision in *Turner v. Rogers*, 131 S. Ct. 2507 (2011). In that case, the Court held that counsel need not automatically be appointed for indigent support obligors facing incarceration in civil contempt proceedings. The Court held that the due process clause of the Fourteenth Amendment to the U.S. Constitution does not require that counsel be provided where the obligee is not represented by counsel and the state provides alternative procedural safeguards including adequate notice of the importance of the ability to pay, a fair opportunity to present, and to dispute, relevant information, and express court findings as to the obligor's ability to pay.

Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

(a) No respondent may be incarcerated as a sanction for contempt without an evidentiary hearing before a judge.

(b) **The court shall make a finding, on the record, as to whether the respondent, based upon the evidence presented at the hearing, does or does not have the present ability to pay the court-ordered amount of support.**

(c) An order committing a respondent to jail for civil contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

Official Note: The time periods set forth in Rules 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

[Pa.B. Doc. No. 12-2419. Filed for public inspection December 14, 2012, 9:00 a.m.]

PART I. GENERAL**[231 PA. CODE CH. 1910]****Amendment of Rules 1910.27, 1910.29 and 1910.50 of the Rules of Civil Procedure; No. 570 Civil Procedural Rules Doc.****Order**

Per Curiam

And Now, this 30th day of November, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 42 Pa.B. 3726 (June 30, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.27, 1910.29

and 1910.50 of the Pennsylvania Rules of Civil Procedure 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 December 30, 2012.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. Petition for Recovery of Support Overpayment.

* * * * *

(b) The order to be attached at the front of the complaint set forth in subdivision (a) shall be in substantially the following form:

(Caption)

ORDER OF COURT

[You] Plaintiff, _____ and _____, defendant, are ordered to appear at _____ before _____, a conference officer of the Domestic Relations Section, on the _____ day of _____, 20____, at _____ M., for a conference, after which the officer may recommend that an order for support be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
(2) your pay stubs for the preceding six months,
(3) the Income Statement and the appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
(4) verification of child care expenses, and
(5) proof of medical coverage which you may have, or may have available to you.

If you fail to appear for the conference or to bring the required documents, the court may issue a warrant for your arrest and/or enter an interim support order. If paternity is an issue, the court shall enter an order establishing paternity.

(6) If a physician has determined that a medical condition affects your ability to earn income you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT SHALL ENTER AN APPROPRIATE CHILD SUPPORT ORDER BASED UPON THE EVIDENCE PRESENTED, WITHOUT REGARD TO WHICH PARTY INITIATED THE SUPPORT ACTION. THE DETERMINATION OF WHICH PARTY WILL BE THE OBLIGEE AND WHICH WILL BE THE OBLIGOR WILL BE MADE BY THE TRIER OF FACT BASED UPON THE RESPECTIVE INCOMES OF THE PARTIES, CONSISTENT WITH THE SUPPORT GUIDELINES AND EXISTING LAW, AND THE CUSTODIAL ARRANGEMENTS AT THE TIME OF THE INITIAL OR SUBSEQUENT CONFERENCE, HEARING, OR TRIAL. IF SUPPORTED BY THE EVIDENCE, THE PARTY

NAMED AS THE DEFENDANT IN THE INITIAL PLEADING MAY BE DEEMED TO BE THE OBLIGEE, EVEN IF THAT PARTY DID NOT FILE A COMPLAINT FOR SUPPORT.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

* * * * *

(g) The order to be attached at the front of the petition for modification set forth in subdivision (f) shall be in substantially the following form:

(Caption)

ORDER OF COURT

You, _____, Respondent, have been sued in Court to modify an existing support order. You are ordered to appear in person at _____ on _____ at _____ M., for a conference/ hearing and to remain until dismissed by the Court. If you fail to appear as provided in this Order, an Order for Modification may be entered against you.

You are further ordered to bring to the conference

- (1) a true copy of your most recent Federal Income Tax Return, including W-2s, as filed,
(2) your pay stubs for the preceding six months,
(3) the Income Statement and appropriate Expense Statement, if required, attached to this order, completed as required by Rule 1910.11(c),
(4) verification of child care expenses, and
(5) proof of medical coverage which you may have, or may have available to you.

(6) If a physician has determined that a medical condition affects your ability to earn income, you must obtain a Physician Verification Form from the domestic relations section, sign it, have it completed by your doctor, and bring it with you to the conference.

THE TRIER OF FACT MAY INCREASE, DECREASE OR TERMINATE THE EXISTING ORDER BASED UPON THE EVIDENCE PRESENTED. AN ORDER MAY BE ENTERED AGAINST EITHER PARTY WITHOUT REGARD TO WHICH PARTY FILED THE MODIFICATION PETITION.

Date of Order: _____ J.

YOU HAVE THE RIGHT TO A LAWYER, WHO MAY ATTEND THE CONFERENCE AND REPRESENT YOU. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of _____ County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

(h) A petition for recovery of a support overpayment when a support order remains in effect shall be in substantially the following form:

* * * * *

Rule 1910.29. [Conduct of Record Hearing.] Evidence in Support Matters.

(a) Record Hearing. Except as provided in this [Rule] rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Pennsylvania Rules of Evidence shall apply to determine the admissibility of the document into evidence.

(b) Medical Evidence.

(1) Non-Record Proceeding. In a non-record hearing, if a physician has determined that a medical condition affects a party's ability to earn income and that party obtains a Physician Verification

Form from the domestic relations section, has it completed by the party's physician and submits it at the conference, it may be considered by the conference officer. If a party is receiving Social Security disability or workers' compensation benefits, the party shall submit copies of the disability or workers' compensation determination in lieu of the Physician Verification Form.

(2) Record Proceeding. If the matter proceeds to a record hearing and the party wishes to introduce the completed Physician Verification Form into evidence, he or she must serve the form on the other party not later than 20 days after the conference. The other party may file and serve an objection to the introduction of the form within 10 days of the date of service. If an objection is made and the physician testifies, the trier of fact shall have the discretion to allocate the costs of the physician's testimony between the parties. If there is no objection, the form may be admitted into evidence without the testimony of the physician. In the event that the record hearing is held sooner than 30 days after the conference, the trier of fact may provide appropriate relief, such as granting a continuance to the objecting party.

(3) The Physician Verification Form shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF _____ COUNTY

Member Name: _____

Docket Number: _____

PACSES Case Number: _____

Other State ID Number: _____

PHYSICIAN VERIFICATION FORM

TO BE COMPLETED BY THE TREATING PHYSICIAN

Physician's name: _____

Physician's license number _____

Nature of patient's sickness or injury: _____

Date of first treatment: _____

Date of most recent treatment: _____

Frequency of treatments: _____

Medication: _____

The patient has had a medical condition that affects his or her ability to earn income from: _____ through _____

If the patient is unable to work, when should the patient be able to return to work? Will there be limitations? _____

Remarks: _____

Date: _____

Signature of Treating Physician: _____

Physician's address:

Physician's telephone number: _____

I authorize my physician to release the above information to the _____ County Domestic Relations Section.

Patient's signature: _____ Date: _____

Explanatory Comment—2000

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.

If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.

Rule 1910.29 is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes which are expressly set forth in those statutory provisions.

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

* * * * *

(4) Section 4 of Act 1997-58, 23 Pa.C.S. § 4342(f), insofar as it is inconsistent with Rule [1910.26] 1910.29 as it relates to record hearings in support actions;

* * * * *

[Pa.B. Doc. No. 12-2420. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 1000]

Proposed Amendments to Rule 1002

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt amendments to Rule 1002 of the Minor Court Civil Rules. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

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

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

Pamela S. Walker, Counsel
 Supreme Court of Pennsylvania
 Minor Court Rules Committee
 Pennsylvania Judicial Center
 P. O. Box 62635
 Harrisburg, PA 17106-2635
 Fax: 717-231-9546

or email to: minorrules@pacourts.us

no later than February 13, 2013.

By the Minor Court Rules Committee

MARY P. MURRAY,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 1000. APPEALS

APPEAL

Rule 1002. Time and Method of Appeal.

[A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30) days after the date of entry of judgment without leave of Court and upon good cause shown.]

A. (1) An appeal from a judgment arising out of a residential lease that contains an award of possession shall be filed within 10 days after the entry of the judgment unless the tenant is a victim of domestic violence, in which case an appeal shall be filed within thirty days after the entry of the judgment.

(2) An appeal from a judgment arising out a residential lease that contains an award of only money shall be filed within thirty days after the entry of the judgment.

(3) An appeal from a judgment arising out of a nonresidential lease shall be filed within thirty days after the entry of the judgment.

(4) An appeal from a judgment arising out of a civil action shall be filed within thirty days after the entry of the judgment.

B. A party [aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of the entry of judgment] seeking to take an appeal from any judgment described in Subdivision A above shall do so by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an [appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of entry of judgment] untimely notice of appeal that is presented for filing without leave of court and upon good cause shown.

Official Note: The thirty day [limitation in subdivision A of this rule is the same as that found in the Judicial Code § 5571(b)] appeal period set forth above is consistent with the appeal period found in Section 5571(b) of the Judicial Code, 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53, and in the July 6, 1995 amendment (Act No. 1995-33) to Section 513(b) of the Landlord and Tenant Act of 1951 (“Act”), Act of April 6, 1951, P. L. 69, as amended, 68 P. S. 250.513(b). The ten day limitation in [subdivision B of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before District Justices, as adopted by that Order.)] paragraph A(1) of this rule is consistent with the time for appeal set forth in the July 6, 1995 amendment. [The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. A party may appeal the money portion of a judgment only within the thirty day appeal period specified in subsection A of this rule. It is the intent of this rule that no supersedeas under Pa.R.C.P.D.J. No. 1008 shall be issued by the Prothonotary after the ten (10) day period for filing an appeal, unless by order of court.]

The intent of the 2012 amendment is to incorporate the additional time provided to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. The 2012 amendment is also intended to clarify that the time for an appeal is thirty days in all cases with the exception of the ten day period that exists in cases arising out of a residential lease when the judgment contains an award of possession and the tenant is not a victim of domestic violence.

In a landlord-tenant action, the court is authorized to enter only one judgment which may contain a monetary award and grant possession of the leasehold to the landlord. See Section 506 of the Act

as originally enacted (“[w]ithin five days after the rendition of judgment, either party may appeal to the next court of common pleas upon filing in that court a bond.”) and Section 504 of the Act as originally enacted (the justice of peace could “enter judgment against the tenant that the real property be delivered up to the landlord and for damages, if any, for the unjust detention of the demised premises, as well as for the amount of rent, if any, which remains due and unpaid and for costs of the proceeding.”) (emphasis added). Therefore, any appeal is from one judgment and cannot be parsed at the will of the party taking the appeal.

If a court enters a judgment in a case arising out of a residential lease that includes an award of money and a right to possession, a tenant who is not a victim of domestic violence and wishes to take an appeal must do so within ten days of the entry of the judgment even if the tenant has vacated the leasehold after the entry of the judgment. See Section 513(b) of the Act and *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997) (holding that where a magisterial district judge entered a judgment in favor of a landlord for money and possession, the tenant had ten days, not thirty days, to take an appeal).

The method of appeal is by filing with the prothonotary a “notice of appeal” on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an “appeal” for filing and another called a “notice of appeal” for service.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. 514.A and will be needed by the Prothonotary.

* * * * *

Explanatory Comment—2001

The January 1, 2001, amendments to Rule 1002(A) and (B) are to make the language within the Rule consistent. Previously, the Rule used the words “date of entry of judgment” and then “date of judgment”. It is the opinion of the Committee that the phrase “date of entry of judgment” should be used and that it should be used consistently throughout the Rule.

[The amendment to the Note is necessitated because Rule 514 requires that a judgment be rendered for the delivery of possession of the real property to the plaintiff and a separate entry of a judgment for money, whether it be for rent, damages, or costs. The separate entry of the judgment for money should be treated the same as a judgment in a civil action and there are no additional exigencies requiring an accelerated appeal period. The ten (10) day appeal period should only be applicable to the possession judgment and not to the money judgment.

The purpose of this amendment to the Note and this Explanatory Comment is to clarify the intent of the Rule to permit an appeal of the money judg-

ment only within the thirty (30) day appeal period. See *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa.Super. 1997).]

REPORT

Proposed Amendments to Rule 1002 of the Minor Court Civil Rules

Time and Method of Appeal; Incorporating Additional Time for Appeal by Victim of Domestic Violence In Residential Landlord-Tenant Case

I. Introduction and Background

The Minor Court Rules Committee (the “Committee”) is proposing amendments to the rules of procedure governing appeals taken from judgments entered in magisterial district courts. The goals of these rule changes are (1) to clarify the appeal periods for all civil and landlord-tenant judgments, and (2) to incorporate the additional time provided to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession.

The Committee began looking at this issue in 2011, after reviewing the opinion in a Philadelphia Municipal Court case, *Luck Ent. LLC v. Melton*, LT-09-11-03-3436 (Phil. Mun. Ct. 2011) (Moss, J.), after that court “forward[ed] a copy of this Opinion to the Philadelphia Municipal Court, the Minor Court Rules Committee and the Court of Common Pleas of Philadelphia County so that they might review their rules to determine whether or not to refine the language of their rules.” See *Luck Ent. LLC* at 13, n. 8.

II. Discussion

In *Luck Ent. LLC*, the court examined the rule making history of Pa.R.C.P.M.D.J. No. 1002 within the context of changes to the Landlord and Tenant Act of 1951, Act of April 6, 1951, P. L. 69 (“Act”). In summary, the court in *Luck* found that although the Supreme Court of Pennsylvania previously suspended Section 513 of the Act (68 P. S. § 250.513), the “final Amending Order of February 28, 1996 provided for a thirty-day suspension. Section 513, therefore, has been in effect since April of 1996.” *Luck Ent. LLC* at 6. The Committee agreed with the court’s analysis, and determined that Rule 1002 was in need of refinement, specifically (1) to clarify the appeal periods for all civil and landlord-tenant judgments, (2) to incorporate the additional time provided to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. See Section 513 of the Act.

First, the Committee sought to clarify that an action in a magisterial district court results in one judgment, not multiple judgments that can be parsed and appealed individually. The Committee agreed with the court in *Luck Ent. LLC* that the Committee’s 2001 Explanatory Comment to Rule 1002 suggests that there can be two separate judgments in a landlord-tenant action, and proposes eliminating those portions of the 2001 Explanatory Comment. See *Luck Ent. LLC* at 11-12. The Committee also proposes patterning the language of Rule 1002 more closely to Section 513 of the Act to reflect the available timeframes for appeal.

Additionally, the Committee proposes adding additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Such a change is consistent with Section 513(b) of the Act. Rule 1002 currently does not contain such a provision.

III. Proposed Rule Changes

First, the Committee eliminated the phrase “aggrieved by a judgment” from Rule 1002, as that language does not appear in Section 513 of the Act, and could create ambiguity between Rule 1002 and Section 513 of the Act. Rather than determining the appeal period based on the aspect of the judgment that the appealing party is “aggrieved by,” the Committee agreed with the court in *Luck* that it would be clearer to identify the appeal time periods based on the underlying judgment, as set forth in Section 513 of the Act. Accordingly, the Committee recommends setting forth the four different options: (1) an appeal from a judgment arising out of a residential lease that contains an award of possession; (2) an appeal from a money judgment arising out of a residential lease that contains an award of only money; (3) an appeal from a judgment arising out of a nonresidential lease; and (4) an appeal from a judgment arising out of a civil action.

The Committee also proposes adding the additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Section 513(b) of the Act provides that a victim of domestic violence has thirty days, rather than the standard ten days, to appeal a judgment arising out of a residential lease that contains an award of possession.

Finally, the Committee proposes changes to the Official Note and the 2001 Explanatory Comment consistent with the proposed rule changes.

[Pa.B. Doc. No. 12-2421. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Amended Civil Rule of the Court of Common Pleas; No. 2 of 2012 Rules Doc.

Order of Court

And Now, to-wit, this 27th day of November, 2012, *It Is Hereby Ordered, Adjudged and Decreed* that the October 31, 2012 order promulgating Amended Rule 220.1 (Voor Dire Questionnaires) of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the unanimous proxy vote of the Board of Judges on October 29, 2012, is amended so that Amended Rule 220.1, published November 17, 2012 in the *Pennsylvania Bulletin* at 42 Pa.B. 7093, shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

DONNA JO McDANIEL,
President Judge

Local Rule 220.1. Voir Dire.

In all civil actions to be tried before a jury, the parties shall be provided with the responses to the “Juror Questionnaire” completed by the members of the panel at the time that they report for jury duty (see Form), and the members of the panel shall be asked the questions set forth in this Local Rule (except those which all parties shall agree in advance to strike as inappropriate for the

type of case involved). The questions shall be propounded by an Assignment Room Clerk, in the presence of all counsel. The voir dire process is open to the public.

The following questions shall be asked in a standard civil lawsuit, that is, one that is something other than a medical malpractice or asbestos case.

(a) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last _____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[Attorneys proceed with introductions.]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in _____? *[Insert name of company(ies).]*

Clerk—“This lawsuit concerns _____.” *[Insert a description—products liability, motor vehicle accident, fall down, construction, contract, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial.”

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party’s pre-trial statement, unless all parties have agreed otherwise.]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(b) *To be Asked Individually:*

Clerk—“We will begin questioning. Juror #1, will you please step forward?”

1) *Clerk*—“Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages?”

a. *Clerk*—“If so, what are those feelings or opinions?”

b. *Clerk*—“Do you think those feelings or opinions might affect your judgment in this case?”

2) *Clerk*—“This case involves a claim for money damages and is the type commonly called a _____ *[products liability, motor vehicle accident, breach of contract, etc.]* lawsuit.”

a. *Clerk*—“Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?”

b. *Clerk*—“If so, what are those feelings?”

c. *Clerk*—“Will that influence your judgment in this case so that you may not be able to be fair and impartial?”

3) *Clerk*—“Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?”

4) *Clerk*—“Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?”

The following questions shall be asked in medical malpractice cases:

(c) *To be Addressed to the Group:*

1) *Clerk*—“This case is expected to last _____ days. Does that impose a serious hardship for anyone?”

2) *Clerk*—“The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent.”

[Attorneys proceed with introductions.]

Clerk—“Have you had any social, business or professional contact with any of these attorneys or their law firms?”

Clerk—“Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in _____? *[Insert name of company(ies).]*

Clerk—“This case is a Medical Malpractice lawsuit.” *[Insert a description—along with a time period or date and place, if applicable.]*

3) *Clerk*—“The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial.”

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—“Does anyone know anything about this case?”

4) *Clerk*—“The attorneys will now identify for you all of their possible witnesses in this case.”

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party’s pre-trial statement, unless all parties have agreed otherwise.]

Clerk—“Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?”

(d) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) Clerk—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. Clerk—"If so, what are those feelings or opinions?"

b. Clerk—"Do you think those feelings or opinions might affect your judgment in this case?"

2) Clerk—"This case involves a claim for money damages and is the type commonly called a Medical Malpractice lawsuit."

a. Clerk—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor either the patient or the healthcare provider?"

b. Clerk—"If so, what are those feelings?"

c. Clerk—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) Clerk—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) Clerk—"Do you have any feelings or opinions about whether medical malpractice lawsuits affect the costs or availability of medical services?"

"If so, what are those feelings or opinions?"

5) Clerk—"Do you feel it is wrong to sue a [Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .] even in circumstances where the [Insert as before.] was careless in providing medical care to a patient and caused harm to that patient?"

6) Clerk—"Do you believe that just because the patient suffered a complication, did not get better, or even died, that the [Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .] must have done something wrong so that the patient or family is entitled to compensation?"

7) Clerk—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

The following questions shall be asked in asbestos cases:

(e) *To be Addressed to the Group:*

1) Clerk—"This case is expected to last ____ days. Does that impose a serious hardship for anyone?"

2) Clerk—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? [Insert name of company(ies).]"

Clerk—"This lawsuit concerns ____." [Insert a description-products liability, negligence, etc.—along with a time period or date and place, if applicable.]

3) Clerk—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) Clerk—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(f) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) Clerk—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. Clerk—"If so, what are those feelings or opinions?"

b. Clerk—"Do you think those feelings or opinions might affect your judgment in this case?"

2) Clerk—"This case involves a claim for money damages and is the type commonly called a ____ [Insert a description-products liability, negligence, etc.] lawsuit."

a. Clerk—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?"

b. Clerk—"If so, what are those feelings?"

c. Clerk—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) Clerk—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) Clerk—"Have you or any member of your household or immediate family ever suffered from:

a) Any type of cancer?

b) Asbestosis?

c) Emphysema?

d) Silicosis?

e) Chronic bronchitis?

f) Black lung?

g) Mesothelioma

h) Any other lung or respiratory disease?"

5) *Clerk*—"Have you or any member of your household or immediate family ever been employed by a business engaged in manufacturing, supplying, or removing insulation products containing asbestos?"

6) *Clerk*—"Have you or any member of your household or immediate family ever worked or been exposed to products which you understood to contain asbestos or silica?"

7) *Clerk*—"Have you been exposed to any information from the internet, newspapers, radio, television, or from other people, discussing alleged health problems with asbestos or silica?"

8) *Clerk*—"Have you ever smoked:

- a) Cigarettes?
- b) Cigars?
- c) Pipe?"

9) *Clerk*—"If yes, what year did you stop smoking:

- a) Cigarettes?
- b) Cigars?
- c) Pipe?"

10) *Clerk*—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

(g) Up to five additional proposed voir dire questions may be submitted by each party or group of parties with joint representation by one counsel. Disputes as to the propriety of these questions shall be handled as set forth in Local Rule 212.2(c). At the time of voir dire, those proposed additional voir dire questions which were permitted by the Calendar Control Judge will be propounded by the Assignment Room Clerk, in the presence of all counsel, individually to each member of the panel.

(h) At the conclusion of individual questions to each member of the panel as set forth in parts (b), (d), (f) and (g) above, counsel will be permitted to ask reasonable follow-up questions regarding each panel member's responses to prior questions and responses to the Juror Questionnaire. In the absence of agreement by all parties to the contrary, the order of follow-up questioning shall proceed as the parties appear in the caption of the case.

**FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY
CIVIL DIVISION—JUROR QUESTIONNAIRE**

- 1) Full Name: _____ Maiden Name (if any): _____
- 2) Age: _____ Place of Birth: _____
- 3) Neighborhood or Municipality in which you live: _____
Zip Code: _____

Length of time at current address: _____
Rent or Own: _____

- 4) Single Married Divorced Widowed
 Separated

Spouse's Name: _____ Spouse's Maiden Name (if any): _____

5) Your Employment/Occupation: _____

Present Job	Employer	Time at this Job
If Retired:		
_____	_____	_____

Last Employer	Last Held Position	Time at this Job
What prior occupations and employers have you had?		
_____	_____	_____
_____	_____	_____

6) Please indicate your highest level of education: Elementary Jr. High/Middle School High School (did not graduate) High School Graduate GED Technical/Vocational Training College (did not graduate) College Graduate Advanced Degree

College or University	Degree, Diploma, or Certificate Attained	Major Course of Study

7) Have you ever served in the military? Yes No
If so, in what branch? _____ Years _____ to _____
What did you do? _____ Final Rank _____
Honorable Discharge? Yes No

8) Have you or any members of your family been involved as a plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes No

- 1. Who was involved? _____
- 2. What was the nature of the lawsuit? _____
- 3. Were you or your family member the Plaintiff, Defendant, witness or juror? _____
- 4. What was the outcome? _____

9) Have you ever been involved in an automobile accident? Yes No

10) Are you licensed to drive a motor vehicle? Yes No

11) Do you own or lease a motor vehicle? Yes No

12) Please list your family doctor and/or any other doctors that have treated you in the past two years: _____

13) Please provide the following information about the following people:

	Name	Age	Level of Education	Current Occupation & Employer	Do they reside with you?
Your Mother:					
Your Father:					
Your Spouse:					
Child/Stepchild 1:					
Child/Stepchild 2:					
Child/Stepchild 3:					
Child/Stepchild 4:					
Child/Stepchild 5:					
Child/Stepchild 6:					
Other Adult Member of Household 1:					
Other Adult Member of Household 2:					
Other Adult Member of Household 3:					

14) If you have brothers or sisters, what do they do for a living? _____

15) Do you or any members of your family have a friendship or association with anyone who is a police officer, judge, lawyer, or employee of the court system? If so, please explain: _____

16) Have either you or members of your family ever worked for or done business with the insurance industry or owned stock in an insurance company? Yes No

17) Have either you, members of your family, or any close friends ever worked for or done business with the medical or healthcare field? Yes No

18) Do you have any physical or mental condition or other situation which could affect your ability to serve on a jury? Yes No

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. § 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

Dated: _____ Signature: _____

[Pa.B. Doc. No. 12-2422. Filed for public inspection December 14, 2012, 9:00 a.m.]

ALLEGHENY COUNTY

Establishment of a Booking Center Fund Fee; AD-12-314-PJ

Order of Court

And Now, to-wit this 28th day of November, 2012, the countywide Booking Center Plan, approved on September 10, 2012 by the Allegheny County Criminal Justice Advisory Board, having been reviewed and certified on

September 28, 2012 by the Pennsylvania Commission on Crime and Delinquency, and pursuant to 42 Pa.C.S. § 1725.5, it is hereby *Ordered* that the Allegheny County Department of Court Records, Criminal Division, shall assess a Booking Center Fund Fee of Two Hundred Dollars (\$200.00) against any defendant processed for identification at an Allegheny County Booking Center location, for each case wherein a defendant:

(1) Is placed on probation without verdict pursuant to section 171 of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or

(2) Receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

(i) 18 Pa.C.S. § 106(a) (relating to classes of offenses).

(ii) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

(iii) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance)

(iv) A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

This fee shall be in addition to any other fines, penalties or costs imposed by law. The Booking Center Fund Fee shall not be assessed against any defendant whose case or cases are disposed of by dismissal, withdrawal or nolle prosequi. If a judge of the Court of Common Pleas of Allegheny County waives costs and fines on a case where the fee is applicable, the waiver will include the Booking Center Fund Fee unless the judge expressly states otherwise is the sentencing order.

The Booking Center Fund Fee shall be deposited into a designated central booking fee account established for Allegheny County and said fees shall be used solely for the implementation of the Allegheny County Booking Center Plan, including start-up, operation and maintenance costs.

This Order shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin* and will apply to defendants processed on or after that date.

By the Court

DONNA JO McDANIEL,
President Judge

[Pa.B. Doc. No. 12-2423. Filed for public inspection December 14, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

**Filing of Medical or Social History Information; Nr.
65-93-895**

Administrative Order of Court

And Now, to wit, this 28th day of November, 2012, effective with the date of entry of this Order, the Clerk of the Orphans' Court of Westmoreland County, Pennsylvania, shall, upon twenty (20) days of receipt of any medical and/or social history information filed by a parent whose parental rights had previously been terminated by this court or whose birth child was adopted in proceedings conducted by this court, or by a child who was adopted in proceedings conducted by this court, electronically submit said information to the Pennsylvania Adoption Information Registry, (PAIR).

By the Court

GARY P. CARUSO,
President Judge

[Pa.B. Doc. No. 12-2424. Filed for public inspection December 14, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 10—BANKS AND BANKING

Title 64—SECURITIES

DEPARTMENT OF BANKING AND SECURITIES

[10 PA. CODE CHS. 1, 3, 7, 9—11, 13—15, 17, 19, 21, 23, 27—31, 31a, 32—34, 34a, 35—42, 44, 46—49, 55, 61, 63, 65, 67 AND 81]

[64 PA. CODE CHS. 101, 102, 202—211, 301—305, 401—407, 501—511, 513, 601—606, 609, 610, 701, 901 AND 1001]

Transfer of Regulations

The Department of Banking and Securities submits this notice for the purpose of renumbering regulations and statements of policy. This renumbering has been made necessary by the enactment of the act of July 2, 2012 (P. L. 814, No. 86) (Act 86), effective October 1, 2012.

Among other things, Act 86 reorganized the Department of Banking and the Securities Commission into the Department of Banking and Securities. See 42 Pa.B. 7016 (November 10, 2012) for the organization chart approved by the Executive Board effective October 18, 2012.

Act 86 amended the Department of Banking and Securities Code (code) (71 P. S. §§ 733-1—733-1203). Under section 1141-A of the code (71 P. S. § 733-1141-A), a reference to the Securities Commission in a regulation is deemed to be a reference to the Department of Banking and Securities.

Therefore, in recognition of the transfers of functions set forth in Act 86, the Department of Banking and Securities hereby requests the Legislative Reference Bureau to transfer Title 64 of the *Pennsylvania Code* to Title 10 of the *Pennsylvania Code*, to update the definition of “Department” and to make changes to the organizational numbering of the affected regulations and statements of policy as follows:

TITLE 10. BANKING AND SECURITIES

PART I. General Provisions

- Chapter 1. Preliminary Provisions
- Chapter 3. [Reserved]
- Chapter 7. Residential Real Estate Transactions
- Chapter 9. Individual Retirement Accounts
- Chapter 10. Minimum Capital Requirements

PART II. Bureau of Banks

- Chapter 11. [Reserved]
- Chapter 13. Loans
- Chapter 14. [Reserved]
- Chapter 15. Trusts
- Chapter 17. [Reserved]
- Chapter 19. Money Transmitters
- Chapter 21. General Provisions for All State-Chartered Banking Institutions
- Chapter 23. [Reserved]
- Chapter 27. Leeway Investments
- Chapter 28. Savings Banks Service Corporations
- Chapter 29. Borrowings
- Chapter 30. Negotiable Order of Withdrawal Accounts

PART III. Savings Association Bureau

- Chapter 31. Investment Operations
- Chapter 31a. Trust Powers
- Chapter 32. [Reserved]
- Chapter 33. Savings Deposit Accounts
- Chapter 34. NOW Accounts
- Chapter 34a. Consumer Loans, Commercial Paper and Corporate Debt Securities
- Chapter 35. [Reserved]
- Chapter 36. Treasury Tax and Loan Depositories
- Chapter 37. Service Corporations
- Chapter 38. Higher Rate Savings Accounts, Regular Savings Accounts and Serial Installment Accounts
- Chapter 39. Mobile Home Financing
- Chapter 40. Alternate Reserve Requirements

PART IV. Bureau of Consumer Credit Agencies

- Chapter 41. Consumer Discount Companies
- Chapter 42. Registration of Loan Brokers
- Chapter 44. [Reserved]
- Chapter 46. Proper Conduct of Lending and Brokerage in the Mortgage Loan Business
- Chapter 47. Mortgage Loan Modifications—Statement of Policy
- Chapter 48. First Mortgage Loan Business Practices
- Chapter 49. Reverse Mortgages—Statement of Policy
- Chapter 55. Financing Sales of Mobile Homes

PART V. Pawnbrokers

- Chapter 61. General Provisions
- Chapter 63. Charges, Payment and Records
- Chapter 65. Pawn Tickets
- Chapter 67. Sale of Pledge

PART VI. Check Cashers

- Chapter 81. Check Casher Licensing—Statement of Policy

PART VII. Securities

Subpart A. Definitions

- Chapter 101. General Provisions
- Chapter 102. Definitions

Subpart B. Registration of Securities

- Chapter 202. Exempt Securities
- Chapter 203. Exempt Transactions
- Chapter 204. Exemption Proceedings
- Chapter 205. Registration by Coordination
- Chapter 206. Registration by Qualification
- Chapter 207. General Registration Provisions
- Chapter 209. Books, Records, and Accounts
- Chapter 210. Retroactive Registration of Certain Investment Company Securities
- Chapter 211. Federally Covered Securities

Subpart C. Registration of Broker-Dealers, Agents, Investment Advisers and Investment Adviser Representatives and Notice Filings by Federally-Covered Advisers

- Chapter 301. Registration Requirement
- Chapter 302. Exemptions
- Chapter 303. Registration Procedure
- Chapter 304. Postregistration Provisions
- Chapter 305. Denial, Suspension, Revocation and Conditioning of Registration

- Subpart D. Fraudulent and Prohibited Practices
 - Chapter 401. Sales and Purchases
 - Chapter 403. Prohibited Transactions; Broker-Dealers and Agents
 - Chapter 404. Prohibited Activities; Investment Advisers and Investment Adviser Representatives
- Subpart E. Enforcement
 - Chapter 501. Civil Liabilities
 - Chapter 504. Time Limitations on Rights of Action
 - Chapter 513. Rescission Orders
- Subpart F. Administration
 - Chapter 601. Administration
 - Chapter 602. Fees
 - Chapter 603. Administrative Files
 - Chapter 604. Interpretive Opinions of Commission—Statement of Policy
 - Chapter 605. Commissioners and Commission Employees; Relationship with Licensed Persons or Qualified Organizations
 - Chapter 606. Miscellaneous Powers of Commission
 - Chapter 609. Regulations, Forms and Orders
 - Chapter 610. Destruction of Documents and Records
- Subpart G. General Provisions
 - Chapter 701. Service of Process
- Subpart H. Practice and Procedure
 - Chapter 901. Special Rules of Administrative Practice and Procedure
- Subpart I. Takeover Offerors
 - Chapter 1001. Takeover Disclosures

Former Pa. Code Reference

New Pa. Code Reference

Title 64, Chapter 207	Title 10, Chapter 207
Title 64, Chapter 209	Title 10, Chapter 209
Title 64, Chapter 210	Title 10, Chapter 210
Title 64, Chapter 211	Title 10, Chapter 211
Title 64, Chapter 301	Title 10, Chapter 301
Title 64, Chapter 302	Title 10, Chapter 302
Title 64, Chapter 303	Title 10, Chapter 303
Title 64, Chapter 304	Title 10, Chapter 304
Title 64, Chapter 305	Title 10, Chapter 305
Title 64, Chapter 401	Title 10, Chapter 401
Title 64, Chapter 403	Title 10, Chapter 403
Title 64, Chapter 404	Title 10, Chapter 404
Title 64, Chapter 501	Title 10, Chapter 501
Title 64, Chapter 504	Title 10, Chapter 504
Title 64, Chapter 513	Title 10, Chapter 513
Title 64, Chapter 601	Title 10, Chapter 601
Title 64, Chapter 602	Title 10, Chapter 602
Title 64, Chapter 603	Title 10, Chapter 603
Title 64, Chapter 604	Title 10, Chapter 604
Title 64, Chapter 605	Title 10, Chapter 605
Title 64, Chapter 606	Title 10, Chapter 606
Title 64, Chapter 609	Title 10, Chapter 609
Title 64, Chapter 610	Title 10, Chapter 610
Title 64, Chapter 701	Title 10, Chapter 701
Title 64, Chapter 901	Title 10, Chapter 901
Title 64, Chapter 1001	Title 10, Chapter 1001

REGULATIONS NOT TRANSFERRED

The following chapters in Title 64 never contained regulations and will not be transferred to Title 10:

- Title 64, Chapter 208
- Title 64, Chapter 402
- Title 64, Chapter 405
- Title 64, Chapter 406
- Title 64, Chapter 407
- Title 64, Chapter 502
- Title 64, Chapter 503
- Title 64, Chapter 505
- Title 64, Chapter 506
- Title 64, Chapter 507
- Title 64, Chapter 508
- Title 64, Chapter 509
- Title 64, Chapter 510
- Title 64, Chapter 511

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2425. Filed for public inspection December 14, 2012, 9:00 a.m.]

TITLE 64. [Reserved and Renumbered]

TABLE OF REGULATIONS TO BE TRANSFERRED

The following chapters are transferred from Title 64 to Title 10:

Former Pa. Code Reference	New Pa. Code Reference
Title 64, Chapter 101	Title 10, Chapter 101
Title 64, Chapter 102	Title 10, Chapter 102
Title 64, Chapter 202	Title 10, Chapter 202
Title 64, Chapter 203	Title 10, Chapter 203
Title 64, Chapter 204	Title 10, Chapter 204
Title 64, Chapter 205	Title 10, Chapter 205
Title 64, Chapter 206	Title 10, Chapter 206

PROPOSED RULEMAKINGS

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On November 20, 2012, the Environmental Quality Board accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Duquesne University Center for Environmental Research and Education, requests the amendment of 25 Pa Code § 93.9w (relating to Drainage List W) to redesignate the Little Sewickley Creek in Allegheny County from High Quality—Trout Stocking Fishes (HQ—TSF) to Exceptional Value designation (EV).

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for this rulemaking petition will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526. The petition is also accessible on the Department's web site at http://www.portal.state.pa.us/portal/server.pt/community/environmental_quality_board/14005/eqb_meeting_schedule_2012/1055511 (see November 20, 2012, meeting).

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-2426. Filed for public inspection December 14, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Board of Probation and Parole

The Executive Board approved a reorganization of the Board of Probation and Parole effective November 19, 2012.

The organization chart at 42 Pa.B. 7537 (December 15, 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. 12-2427. Filed for public inspection December 14, 2012, 9:00 a.m.]

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 November 19, 2012.

The organization chart at 42 Pa.B. 7538 (December 15, 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. 12-2428. Filed for public inspection December 14, 2012, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

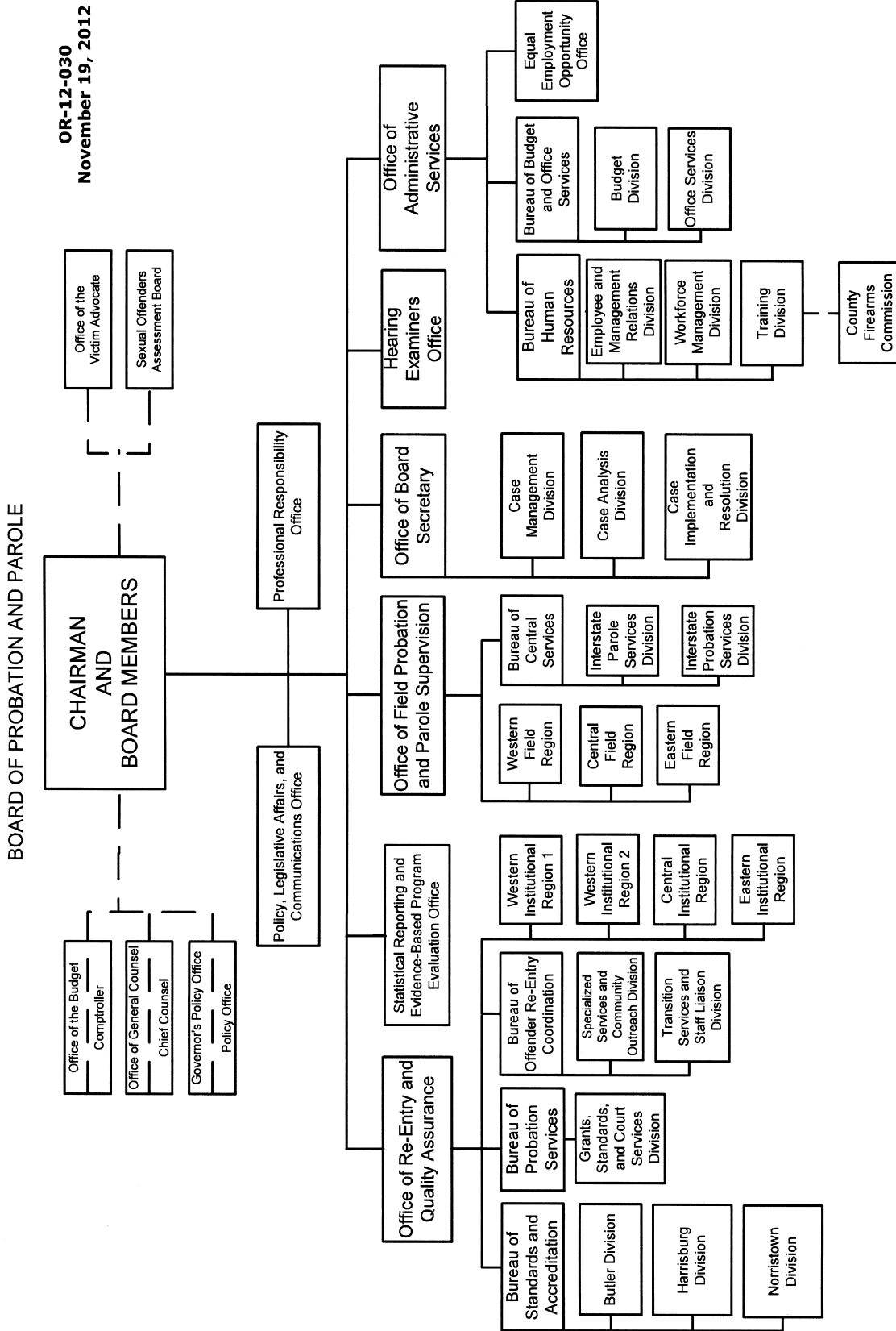
Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective November 19, 2012.

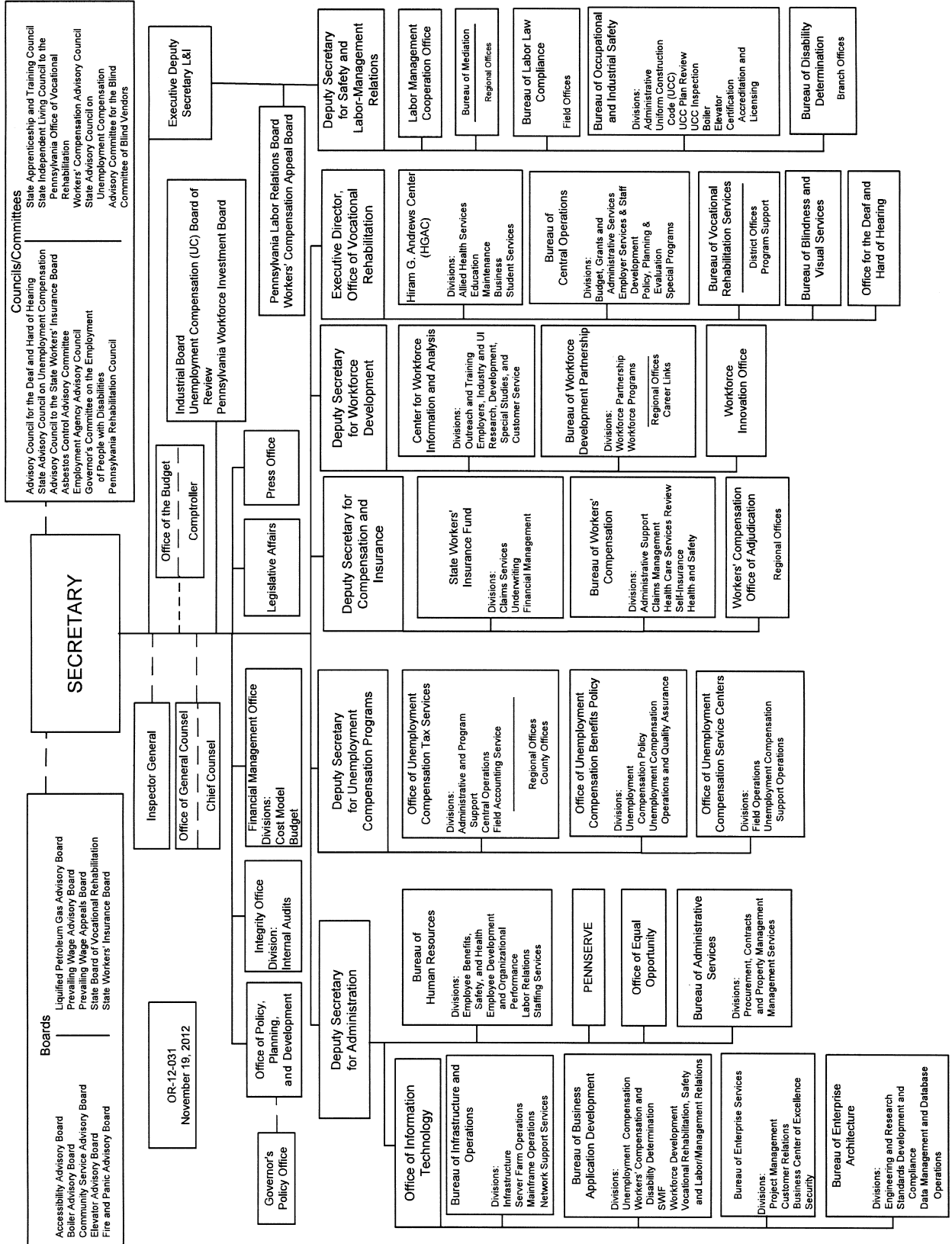
The organization chart at 42 Pa.B. 7539 (December 15, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(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.)

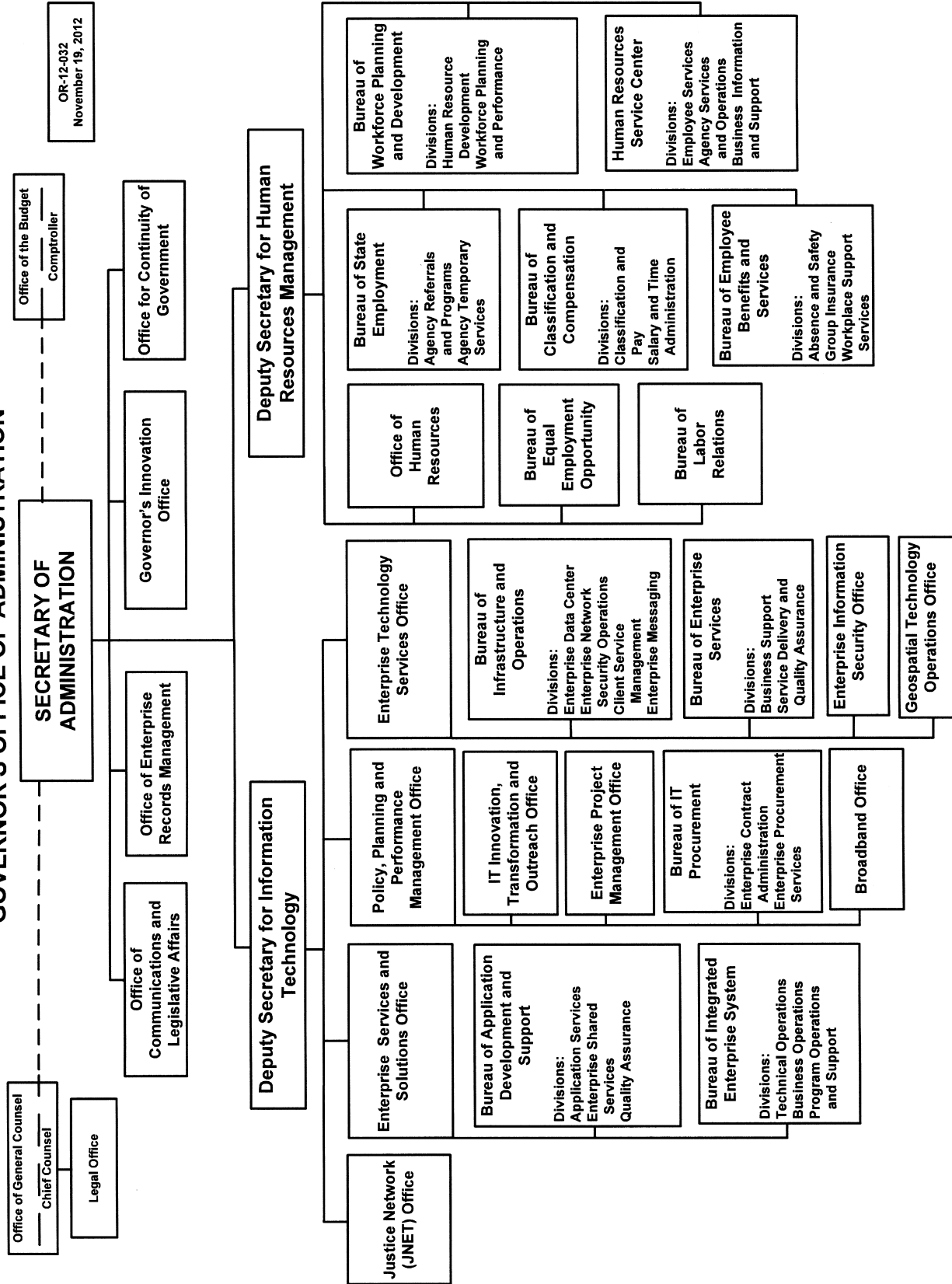
[Pa.B. Doc. No. 12-2429. Filed for public inspection December 14, 2012, 9:00 a.m.]



DEPARTMENT OF LABOR AND INDUSTRY



GOVERNOR'S OFFICE OF ADMINISTRATION



OR-12-032
November 19, 2012

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (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 and Securities 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 November 27, 2012.

Under section 503.E of the Department of Banking and Securities 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 and Securities, 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>
11-19-2012	Customers Bank Phoenixville Chester County	101 Theall Road Rye Westchester County, NY	Opened

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-27-2012	Diamond Credit Union Pottstown Montgomery County	173 Holly Road Gilbertsville Montgomery County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-21-2012	Boeing Helicopters Credit Union Ridley Park Delaware County	Approved and Effective

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. 12-2430. Filed for public inspection December 14, 2012, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2013

The Department of Banking and Securities (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 January, 2013, 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 2.02 to which was added 2.50 percentage points for a total of 4.52 that by law is rounded off to the nearest quarter at 4 1/2%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-2431. Filed for public inspection December 14, 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.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0055131 (Sewage)	Lehigh Valley Zoo 5150 Game Preserve Road Schnecksville, PA 18078	Lehigh County North Whitehall Township	Jordan Creek (2-C)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0247111 (CAFO)	Star Rock Dairy Inc. 175 Chestnut Grove Road Conestoga, PA 17516	Lancaster County / Manor Township	Little Conestoga Creek—7J	Y
PA0081566 (Sew)	York Haven Sewer Authority PO Box 394 York Haven, PA 17370	York County / York Haven Borough	Conewago Creek / 7-F	Y
PA0246891 (IW)	Letterkenny Army Depot 1 Overcash Avenue AMLD-EN, Bldg 14 Chambersburg, PA 17201	Franklin County / Hamilton Township	UNT Rocky Spring Branch	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0031453 (Sewage)	School District STP 800 Southern Drive Catawissa, PA 17820	Columbia County Franklin Township	Roaring Creek (5-E)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0103519 (Sewage)	Whitehall Campground 580 Whitehall Road Emlenton, PA 16373-9801	Venango County Richland Township	Unnamed Tributary to Richey Run (16-G)	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

PA0050431, SIC Code 2086, **Cott Beverages Inc.**, 20 Aldan Avenue, Concordville, PA 19331. Facility Name: Cott Beverages IWTP. This existing facility is located in Concord Township, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated process water and blowdown water.

The receiving stream(s), Unnamed tributary to West Branch Chester Creek, is located in State Water Plan watershed 3-G 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 0.07 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
CBOD ₅	12	24	XXX	20	40	50
Total Suspended Solids	18	36	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2500
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ammonia-Nitrogen						
May 1 - Oct 31	1.2	2.4	XXX	2.0	4.0	5.0
Nov 1 - Apr 30	3.5	7.0	XXX	6.0	12.0	15.0
Total Phosphorus	XXX	XXX	XXX	Report	Report	Report

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Conditions
- D. BAT/ELG Reopener
- E. 2° Change in the Temperature
- F. Small Stream Discharge
- G. Chemical Additive 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.

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

PA0008451, SIC Code 4911, **Sunbury Generation LP**, PO Box 517, 2384 Old Trail Road, Shamokin Dam, PA 17876-0517. Facility Name: Sunbury Generation LP. This existing facility is located in Monroe Township, **Snyder 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), Rolling Green Run and Susquehanna River, is located in State Water Plan watershed 6-A and 6-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 030 are based on a design flow of 251.7 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
Total Residual Halogens	XXX	XXX	XXX	XXX	XXX	0.2
Temperature (°F)						
Intake	XXX	XXX	XXX	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Heat Rejection Rate (MBTUs/day)						
Jan 1-31 (Interim)	XXX	209600	XXX	XXX	XXX	XXX
Feb 1-29 (Interim)	XXX	229200	XXX	XXX	XXX	XXX
Mar 1-31 (Interim)	XXX	550100	XXX	XXX	XXX	XXX
Apr 1-15 (Interim)	XXX	609000	XXX	XXX	XXX	XXX
Apr 16-30 (Interim)	XXX	609000	XXX	XXX	XXX	XXX
May 1-15 (Interim)	XXX	400800	XXX	XXX	XXX	XXX
May 16-31 (Interim)	XXX	668000	XXX	XXX	XXX	XXX
Jun 1-15 (Interim)	XXX	510800	XXX	XXX	XXX	XXX
Jun 16-30 (Interim)	XXX	510800	XXX	XXX	XXX	XXX
Jul 1-31 (Interim)	XXX	267200	XXX	XXX	XXX	XXX
Aug 1-15 (Interim)	XXX	238400	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aug 16-31 (Interim)	XXX	234800	XXX	XXX	XXX	XXX
Sep 1-15 (Interim)	XXX	187300	XXX	XXX	XXX	XXX
Sep 16-30 (Interim)	XXX	187300	XXX	XXX	XXX	XXX
Oct 1-15 (Interim)	XXX	188600	XXX	XXX	XXX	XXX
Oct 16-31 (Interim)	XXX	167700	XXX	XXX	XXX	XXX
Nov 1-15 (Interim)	XXX	209600	XXX	XXX	XXX	XXX
Nov 16-30 (Interim)	XXX	167700	XXX	XXX	XXX	XXX
Dec 1-31 (Interim)	XXX	157200	XXX	XXX	XXX	XXX
Jan 1-31 (Final)	XXX	26332	XXX	XXX	XXX	XXX
Feb 1-29 (Final)	XXX	28729	XXX	XXX	XXX	XXX
Mar 1-31 (Final)	XXX	56692	XXX	XXX	XXX	XXX
Apr 1-15 (Final)	XXX	75068	XXX	XXX	XXX	XXX
Apr 16-30 (Final)	XXX	75068	XXX	XXX	XXX	XXX
May 1-15 (Final)	XXX	83024	XXX	XXX	XXX	XXX
May 16-31 (Final)	XXX	373609	XXX	XXX	XXX	XXX
Jun 1-15 (Final)	XXX	197872	XXX	XXX	XXX	XXX
Jun 16-30 (Final)	XXX	197872	XXX	XXX	XXX	XXX
Jul 1-31 (Final)	XXX	86085	XXX	XXX	XXX	XXX
Aug 1-15 (Final)	XXX	83654	XXX	XXX	XXX	XXX
Aug 16-31 (Final)	XXX	95605	XXX	XXX	XXX	XXX
Sep 1-15 (Final)	XXX	105091	XXX	XXX	XXX	XXX
Sep 16-30 (Final)	XXX	66876	XXX	XXX	XXX	XXX
Oct 1-15 (Final)	XXX	82822	XXX	XXX	XXX	XXX
Oct 16-31 (Final)	XXX	93174	XXX	XXX	XXX	XXX
Nov 1-15 (Final)	XXX	94840	XXX	XXX	XXX	XXX
Nov 16-30 (Final)	XXX	27097	XXX	XXX	XXX	XXX
Dec 1-31 (Final)	XXX	19940	XXX	XXX	XXX	XXX
Total PCBs (µg/L)	XXX	XXX	XXX	XXX	XXX	0.065
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0

The proposed effluent limits for Outfall 031 are based on a design flow of 4.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	130
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Antimony (µg/L)	0.22	0.35	XXX	5.87	9.16	14.67
Total Arsenic (µg/L)	0.40	0.62	XXX	10.49	16.36	26.22
Total Cadmium (µg/L)	0.010	0.016	XXX	0.28	0.43	0.70
Hexavalent Chromium (µg/L)	0.42	0.65	XXX	10.90	17.01	27.25
Total Copper (µg/L)	0.35	0.55	XXX	9.29	14.50	23.22
Free Available Cyanide (µg/L)	0.20	0.32	XXX	5.45	8.51	13.62
Dissolved Iron	XXX	XXX	XXX	0.31	0.48	0.77
Total Lead (µg/L)	0.12	0.19	XXX	3.28	5.12	8.20
Total Mercury (µg/L)	0.001	0.003	XXX	0.05	0.08	0.12
Total Selenium (µg/L)	0.20	0.31	XXX	5.23	8.16	13.07
Total Silver (µg/L)	0.09	0.14	XXX	2.48	3.88	6.2
Total Thallium (µg/L)	0.009	0.014	XXX	0.25	0.39	0.62
Total PCBs (µg/L)	XXX	XXX	XXX	XXX	XXX	0.065

The proposed effluent limits for Outfall 032 are based on a design flow of 0.022 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>
pH (S.U.)	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 Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 130 are based on a design flow of 1.21 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD) (Final)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	50
Oil and Grease	XXX	XXX	XXX	15	20	30
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0
Total PCBs (µg/L)	XXX	XXX	XXX	XXX	XXX	0.065

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 031.

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

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 130.

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

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

- Outfall Meter Installation and Operation
- Cooling Water Intake Structures
- Heat Rejection Limitations

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

The EPA Waiver is not in effect.

PA0008915 A-1, Industrial Waste, SIC Code 3229, **OSRAM Sylvania, Inc.**, 1 Jackson Street, Wellsboro, PA 16901-1769. Facility Name: OSRAM Sylvania Inc. This existing facility is located in Wellsboro Borough, **Tioga County**.

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

The receiving stream(s), Charleston Creek, is located in State Water Plan watershed 9-A 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 0.19 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Heat Rejection Rate (MBTUs/day)						
Jan 1-31	XXX	107	XXX	XXX	XXX	XXX
Feb 1-29	XXX	118	XXX	XXX	XXX	XXX
Mar 1-31	XXX	283	XXX	XXX	XXX	XXX
Apr 1-15	XXX	313	XXX	XXX	XXX	XXX
Apr 16-30	XXX	313	XXX	XXX	XXX	XXX
May 1-15	XXX	206	XXX	XXX	XXX	XXX
May 16-31	XXX	343	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Jun 1-15	XXX	262	XXX	XXX	XXX	XXX
Jun 16-30	XXX	262	XXX	XXX	XXX	XXX
Jul 1-31	XXX	137	XXX	XXX	XXX	XXX
Aug 1-15	XXX	122	XXX	XXX	XXX	XXX
Aug 16-31	XXX	122	XXX	XXX	XXX	XXX
Sep 1-15	XXX	96	XXX	XXX	XXX	XXX
Sep 16-30	XXX	96	XXX	XXX	XXX	XXX
Oct 1-15	XXX	96	XXX	XXX	XXX	XXX
Oct 16-31	XXX	96	XXX	XXX	XXX	XXX
Nov 1-15	XXX	107	XXX	XXX	XXX	XXX
Nov 16-30	XXX	86	XXX	XXX	XXX	XXX
Dec 1-31	XXX	81	XXX	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	56	110	XXX	35	70	85
Oil and Grease	23	47	XXX	15	30	30
Total Copper	0.212	0.373	XXX	0.134	0.236	0.335
Fluoride	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are:

<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>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	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 Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Fluoride	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

- Water-Effect Ratio

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

The EPA Waiver is in effect.

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

PA0000272, Industrial Waste, SIC Code 4941, **PA American Water**, 60 Elrama Road, Elrama, PA 15038. Facility Name: PA American Water Aldrich WTP. This existing facility is located in Union Township, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated process water from the Aldrich Plant in Union Township, Washington County.

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 0.601 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

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

- None

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.

PA0218511, SIC Code 4941, **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001. Facility Name: Aliquippa Municipal Water Authority. This existing facility is located in Aliquippa City, **Beaver County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated water treatment plant backwash water.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.386 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

Other conditions: Submit modification to their Water Quality Management permit.

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.

PA0254614, Sewage, **Cumberland Resources, LP**, 158 Portal Road, Waynesburg, PA 15370. Facility Name: Cumberland Mine Portal No. 9 STP. This proposed facility is located in Center Township, **Greene County**.

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

The receiving stream(s), Maple Run, is located in State Water Plan Watershed 19-B 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 0.022 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)	0.022	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
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)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
				Geo Mean		

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Nitrate-Nitrite as N	XXX	XXX	XXX	10	XXX	20
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	5.5	XXX	11.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

The EPA Waiver is in effect.

PA0020613, Sewage, **Waynesburg Borough**, 90 East High Street, Waynesburg, PA 15370. Facility Name: Waynesburg STP. This existing facility is located in Franklin Township, **Greene County**.

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

The receiving stream(s), South Fork Tenmile Creek, is located in State Water Plan Watershed 19-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.15	XXX	0.50
CBOD ₅						
May 1 - Oct 31	133.5	200.2	XXX	20	30	40
Nov 1 - Apr 30	166.8	253.5	XXX	25	38	50
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	200.2	300.2	XXX	30	45	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	13.3	20.0	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	26.7	40.0	XXX	4.0	6.0	8.0

Other Conditions: Outfalls 002 and 003, which discharge to the receiving waters known as South Fork Tenmile Creek, serve as combined sewer overflows (CSOs) necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration, and quantity of flow.

The permittee shall continue the work to remove the above two CSO Outfalls 002 and 003 from their system, as required in their CSO Long Term Control Plan (LTCP). This LTCP calls for the following actions:

Completion of: Sewer Separation Tasks by the end of 2015, and Submittal and Completion of: Post Construction Compliance Monitoring Plan during the next NPDES permit renewal period.

The EPA Waiver is in effect.

PA0204340, Sewage, **Brett Weimer**, 181 Newhouse Road, New Alexandria, PA 15670. Facility Name: New Alexandria Mobile Home Park 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), Loyalhanna Creek, is located in State Water Plan Watershed 18-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 0.00589 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	0.00589	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 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.

PA0205524, SIC Code, **Timothy P & Tammie R Rabbitt**, 297 Ford City Road, Freeport, PA 16229. Facility Name: Rabbitt SR STP. This existing facility is located in South Buffalo Township, **Armstrong 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 Hill Run, is located in State Water Plan watershed 18-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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
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

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.

PA0046230, Sewage, **Carmichaels-Cumberland Joint Sewer Authority**, PO Box 304, Carmichaels, PA 15320-0304. Facility Name: Carmichaels-Cumberland Joint Sewer Authority WWTP. This existing facility is located in Carmichaels Borough, **Greene County**.

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

The receiving stream(s), Muddy Creek, is located in State Water Plan watershed 19-B and is classified as a warm water fishery 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 0.8 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.02	XXX	0.03
CBOD ₅						
May 1 - Oct 31	100.1	150.1	XXX	15	22.5	30
Nov 1 - Apr 30	133.4	200.2	XXX	20	30	40
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	166.8	250.2	XXX	25	37.5	50
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		
Ammonia-Nitrogen						
May 1 - Oct 31	13.3	20.0	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	23.4	35.4	XXX	3.5	5.3	7.0

The EPA Waiver is in effect.

PA0217603, Sewage, **Cumberland Coal Resources LP**, 158 Portal Road, Waynesburg, PA 15370. Facility Name: Cumberland Mine—Bathhouse No. 6 Portal STP. This existing facility is located in Whiteley Township, **Greene County**.

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

The receiving stream(s), Unnamed Tributary to Patterson Run, is located in State Water Plan watershed 19G, and is classified for Trout Stock Fishes with existing and/ or potential uses for aquatic life, water supply, and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 022 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	0.03	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.04	XXX	0.10
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	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	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.2	XXX	4.4
Nov 1 - Apr 30	XXX	XXX	XXX	4.9	XXX	9.8

The EPA Waiver is in effect.

PA0205087, Sewage, **Scottyland Camping Resort**, 1618 Barron Church Road, Rockwood, PA 15557. Facility Name: Scottyland Camping Resort STP. This existing facility is located in Middlecreek Township, **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), Lost Creek, is located in State Water Plan watershed 19-E and is classified for High Quality Waters—Cold 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 0.0102 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	0.0102	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	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	25	XXX	50

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

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

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

WQM Permit No. 1596417, Sewage, **Renewal, New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Permit Renewal of existing WQM Part II sewage treatment plant.

WQM Permit No. 4612408, Sewage, **Upper Gwynedd—Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

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

Description of Action/Activity: Construction of approximately 1500 IF of parallel 24" DIP Sanitary Sewer and 8 Manholes.

WQM Permit No. 46120407, Sewage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444.

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

Description of Action/Activity: Construction and operation of a sewage treatment plant.

WQM Permit No. 1512415, Sewage, **Oxford Area Sewer Authority**, P. O. Box 379, 14 South Third Street, Oxford, PA 19363.

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

Description of Action/Activity: Construction and operation of a new publicly owned wastewater treatment plant.

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

WQM Permit No. 01491201, Sewerage [4952], **Sarah Eberly**, 1255 Industrial Park Road, Milton, PA 17847.

This proposed facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of SFTF that will replace malfunctioning current septic system

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

WQM Permit No. 0212402, Sewerage, **Green Tree Borough**, 10 West Manilla Avenue, Green Tree, PA 15220-3310

This proposed facility is located in Green Tree Borough, **Allegheny County**

Description of Proposed Action/Activity: Application for the construction and operation of a pump station.

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

WQM Permit No. 1012404, Sewerage, **Barbara Laidlaw & Patty Myers**, 121 Caldwell Drive, Butler, PA 16002.

This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant to replace a malfunction on-lot system.

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 151238	Pamela A. Conti 1609 Kimberton Road Chester Springs, PA 19425-1008	Chester	West Pikeland Township	Pickering Creek (HQ)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151239	Timothy Vogel 1279 Highspire Road Romansville, PA 19320	Chester	West Bradford Township	Unnamed Tributary Broad Run (EV)
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.</i>				
<i>Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505025(4)	Mt. Airy #1 LLC 44 Woodland Rd. Mt. Pocono, PA 18344	Monroe	Paradise Twp.	Forest Hills Run, HQ-CWF, MF
PAI024505025(3)	Mt. Airy #1 LLC 44 Woodland Rd. Mt. Pocono, PA 18344	Monroe	Paradise Twp.	Forest Hills Run, HQ-CWF, MF
PAI024512010	PPL Electric Utilities Corp. 2 North Ninth St. GENN3 Allentown, PA 18101	Monroe	Tobyhanna Twp.	Swiftwater Creek, EV
<i>Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802</i>				
<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030612001	Squire Hill at Womelsdorf 1901 Birch Rd Lebanon PA 17042	Berks	Womelsdorf Borough	UNT to Tulpehocken Creek (HQ-CWF)
PAI035012002	Dwayne Z. Nolt Nolt Poultry Operation 8911 Creek Road Newport, PA 17074	Perry	Juniata Township	Buffalo Creek (HQ-CWF)
<i>Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041812003	Snaveley's Mill Inc 22 Fishing Creek Rd Mill Hall PA 17751	Clinton	Lamar Township	Fishing Creek HQ-CWF, MF
<i>Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315</i>				
<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056312004	Washington County 100 West Beau Street Suite 701 Washington, PA 15301	Washington	Hopewell Township	UNTs to Cross Creek (HQ-WWF)
PAI055612003	Ursina Borough P. O. Box 55 Ursina, PA 15485	Somerset	Ursina Borough	Laurel Hill Creek, (HQ-CWF)
<i>Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062712001	Hickory Township PO Box 44 Endeavor, PA 16353.	Forest	Hickory Township	East Hickory Creek HQ; CWF

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123662, CAFO, **Harvest Lane Farm**, 910 Jake Landis Road, Lititz, PA 17543.

This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for a CAFO consisting of approximately 105,000 laying hens and 190 steer, totaling approximately 519.12 AEU's.

The receiving stream, Conestoga River, is in watershed 7J and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

PAG123604, CAFO, **Scott Gochenaur Egg Farm**, 3057 Harvest Road Elizabethtown, PA 17022.

This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for a CAFO consisting of approximately 118,000 laying birds, totaling approximately 371.7 AEU's.

The receiving stream, UNT to Little Chickies Creek, is in watershed 7G and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

PAG124825, CAFO [SIC 0213], **Stanley Crone**, Pine Hurst Acres, 3036 Sunbury Road, Danville, PA 17821.

This existing facility is located in Rush Township, **Northumberland County**.

Description of Size and Scope of Proposed Operation/Activity: The facility is comprised of 4,400 finishing swine, 18 beef cows, 18 calves, 1 bull, 9 heifers, 19 steers, and 56 boer goats which make up a total of 718.8 AEU's.

The receiving streams, Unnamed Tributary to Gravel Run and Unnamed Tributary to the Susquehanna River, are in watershed 5E and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

STATE CONSERVATION COMMISSION

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Hanover Show Farm 2310 Hanover Pike PO Box 339 Hanover, PA 17331	Adams	2193.1	869.66	Horses	NA	Renewal
<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>Application or Action</i>
Maneval Poultry Operation Dale Maneval 11203 Route #35 Mt. Pleasant Mills, PA 17853	Snyder	76 19.3 available for manure	355.07	Poultry	Not Applicable	Application

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 5412504 Public Water Supply.

Applicant	Pine Grove Township Authority 175 Oak Grove Road Pine Grove, PA. 17963
[Township or Borough]	Pine Grove Township Schuylkill County
Responsible Official	Mr. John Stahl
Type of Facility	Public Water Supply
Consulting Engineer	Mr. John R. Williams, PE. 305 Evergreen Road New Cumberland, PA. 17070
Application Received Date	July 24, 2012
Description of Action	This project provides for the construction of a 100,000 gallon standpipe (28 feet in diameter by 24 feet high) and 8-in connecting main with 5 fire hydrants.

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

Permit No. 0612514, Public Water Supply.

Applicant	Ethan Michael, Inc.
Municipality	Union Township
County	Berks
Responsible Official	Rob Armbruster, Director 2130 E. Main Street Douglasville, PA 19518
Type of Facility	Public Water Supply
Consulting Engineer	Andrew C Hood, P.E. Keystone Engineering Group, Inc. 590 East Lancaster Avenue Frazer, PA 19355
Application Received:	10/10/2012
Description of Action	Construction of a new non-community water system. Project includes two well sources, disinfection, arsenic treatment, storage and distribution.

Permit No. 0712504, Public Water Supply.

Applicant **Martinsburg Municipal Authority**
 Municipality North Woodbury Township
 County **Blair**
 Responsible Official Jeffrey L Garner, President
 110 South Walnut Street
 Martinsburg, PA 16662
 Type of Facility Public Water Supply
 Consulting Engineer Lawrence J Lennon, P.E.
 Lennon, Smith, Souleret
 Engineering, Inc.
 846 Fourth Ave.
 Coraopolis, PA 15108-1522
 Application Received: 10/15/2012
 Description of Action Construction of replacement well
 source Well No. RW-1 to replace
 existing well source Well No. 1.

Permit No. 0612526, Public Water Supply.

Applicant **Kutztown Borough**
 Municipality Maxatawny Township
 County **Berks**
 Responsible Official Walter Hess, Superintendent
 105 Railroad Street
 Kutztown, PA 19530-1112
 Type of Facility Public Water Supply
 Consulting Engineer Steven E Riley, P.E.
 Entech Engineering, Inc
 PO Box 32
 Reading, PA 19603
 Application Received: 11/14/2012
 Description of Action Installation of nitrate treatment
 at existing treatment plant.

Permit No. 5012510, Public Water Supply.

Applicant **United Water Pennsylvania**
 Municipality Penn Township
 County **Perry**
 Responsible Official Authur C. Saunders, Operations
 Engineer
 4211 East Park Circle
 Harrisburg, PA 17111
 Type of Facility Public Water Supply
 Consulting Engineer Philip Depoe, P.E.
 Buchart Horn, Inc.
 445 West Philadelphia Street
 York, PA 17405-7040
 Application Received: 11/27/2012
 Description of Action Business Campus
 One—Installation of an arsenic
 treatment system.

MINOR AMENDMENT**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

Application No. 2089503-MA1, Minor Amendment.

Applicant **Fountain House Mobile Home Park**
 Township or Borough Woodcock Township
 Responsible Official Gregory A. Kasemer
 Type of Facility Public Water Supply
 Consulting Engineer Chad W. Yuriscic, P.E.
 Deiss & Halmi Engineering, Inc.
 105 Meadville Street
 Edinboro, PA 16412
 Application Received Date November 26, 2012
 Description of Action Interconnect two existing pipe
 loops.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**UNDER ACT 2, 1995
PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

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

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

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

3088 Dunchurch Drive, Lehman Township, **Pike County**, James P. Cinelli, Liberty Environmental, Inc., has submitted a Notice of Intent to Remediate on behalf of his client, Courtney Green, GMAC ResCap, 2711 North Haskell Avenue, Suite 900, Dallas, Texas, (serving Bank of New York Foreclosure), concerning the remediation of soil from used motor oil from a spill which occurred in the crawlspace of the residence. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future use of the site is residential. 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.

Dingman-Delaware Primary School, 1375 Route 739, Dingman Township, **Pike County**, Michael Crimmel and Curtis Herman, Austin James Associates, Inc., has submitted a Notice of Intent to Remediate on behalf of their client, Marvin Eversdyke, Office of Support Services, Delaware Valley School District, 258 Route 6 & Route 209, Milford, PA 18337, concerning the remediation of soil from fuel oil due to a tank overflow at the site. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future use of the site is residential. 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.

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

Philadelphia Suburban Development Corporation, 2301-2307 North 7th Street, Harrisburg, PA 17101, City of Harrisburg, **Dauphin County**. Environmental Maintenance, Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Philadelphia Suburban Development Corporation, 100 Ross Road, King of Prussia, PA 19406, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an underground storage tank. The site will be remediated to the Residential Statewide Health standard and remain non-residential.

Former Tanger Hardware, 222 High Street, Hanover, PA 17331, Hanover Borough, **York County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of Hanover Ridge Avenue Corporation, 701 Plum Tree Lane, Hanover, PA 17331, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil from an underground

storage tank. The site will be remediated to the Non-Residential Statewide Health standard and remain commercial.

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

Seville—Clarion Site (Fmr. Owens Illinois Plant 17), Clarion Borough, **Clarion County**. K.J. Environmental Management, Inc., 109 Oakland Street, Denton, TX 76201 on behalf of Seville Finance, Inc., 320 Highway 77, Italy, TX 76651 has submitted a Notice of Intent to Remediate. Site was historically used as a glass container manufacturing operation. A site investigation is currently being completed to determine any contamination on the property. Proposed future use of the property will be non-residential. The proposed remediation standard is the Site-Specific Standard. The Notice of Intent to Remediate was published in the *Clarion News* on November 6, 2012.

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

Leiby Property, Borough of Catawissa, **Columbia County**. United Environmental Services, Inc., on behalf of Mitch Leiby has submitted a Notice of Intent to Remediate and Final Report for soils contaminated with heating oil at 201 Fifth St, Catawissa, PA 17820. The applicant proposes to remediate the site to meet the Statewide Health Standard.

NOTICE OF PUBLIC HEARING

PA Waste LLC Municipal Waste Landfill

Boggs Township, Clearfield County

The Department of Environmental Protection will conduct a public hearing at 7:00 p.m. on Tuesday, Jan. 22, 2013 at the Lighthouse Evangelical Church, 7993 Drane Highway, West Decatur, Pa. to accept public testimony on a Municipal Waste Landfill permit application submitted by PA Waste LLC for a site in Boggs Township, Clearfield County.

PA Waste LLC submitted a Municipal Waste Landfill application to the department on Sept. 25, 2006 for a municipal waste landfill. The proposed site is located on a 2,000 acre parcel approximately seven miles southeast of Clearfield. The permitted area of 850 acres would provide waste disposal capacity and would operate for 25 years at the acceptance rate of 5,000 tons per day.

During the public hearing, citizens will have an opportunity to present oral testimony regarding the Municipal Waste Landfill permit application. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of five minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. DEP will respond in writing to all relevant testimony provided during the public hearing.

Persons unable to attend the public hearing can submit a written statement to the department by January 22, 2013. The statement should be sent to: Patrick Brennan, Environmental Program Manager, Pa. Dept. of Environmental Protection, Waste Management Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701.

The permit application is available for review at the following locations: DEP Northcentral Regional Office, Clearfield County Commissioners Office and Boggs Township Municipal Building.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact Daniel Spadoni at 570-327-3659 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

**DETERMINATION FOR APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

Application(s) received for Determination of Applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.

General Permit No. WMGM019SW001B. Wood Waste Recycling, LLC, 111 Kelso Road, McDonald, PA 15057. Wood Waste Recycling Collier Facility, 43 Prestley Road, Bridgeville, PA 15017. A municipal waste general permit for the processing of wood waste and leaf and yard waste to produce landscaping mulch material and compost in Collier Township, **Allegheny County**, was deemed administratively complete in the Regional Office on November 28, 2012.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first.

Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

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

42-004H: American Refining Group (77 Kendal Avenue, Bradford, PA 16701) for modification of plan approval 42-004D with regard to the refinery fuel gas process factor which was used in determining emission limitations in Bradford City, **McKean County**. This is a Title V facility.

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

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

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

46-0005AK: Merck, Sharp & Dohme, Corp. (770 Sunmeytown Pike, West Point, PA 19486-0004) for installation of a non-selective oxidation catalyst on two (2) existing peaking generators (Source Numbers 740 and 751), in Upper Gwynedd Township, **Montgomery County**. The plan approval is for a Title V facility. The installation of the oxidation catalyst is required by 40 CFR 63, Subpart ZZZZ. This project triggers PADEP's NSR regulations, though there will be no increase in actual emissions. This is due to the low actual baseline emissions of these units compared to their potential emissions, and in conjunction with the aggregation of de minimus NO_x emission increases at this facility in the past. The plan approval will include monitoring,

recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-0176B: Metal Improvement Co., LLC (3434 State Road, Bensalem, Pennsylvania 19020) for a Plan Approval to modify operating conditions and physical configurations of control devices including five scrubbers and chemical fume suppressant as well as methods of operation of existing sources currently operating under State Only Operating Permit No. 09-00176 at 450 Winks Lane, Bensalem Township, **Bucks County**. The facility is synthetic minor for VOC. This proposed project will not increase previously permitted emissions. The previously permitted chromium anodizing tanks are subject to 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. The Plan Approval will contain additional monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and 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

54-322-009: Commonwealth Environmental Systems, LP—CES Landfill (99 Commonwealth Road, Hegins, PA 17938) for an increase in the current Title V SO_x emission limit from the landfill gas flares at their facility in Foster Township, **Schuylkill County**. This change does not represent an increase in allowable tonnage per day and no other current emission limits in the facility Title V permit will change as a result of this modification. The Plan Approval will contain additional recordkeeping, testing, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 54-00054. 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.

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

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

03-00257A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) to authorize the construction and temporary operation of a coal preparation plant at their TJS No. 7 deep mine in Manor Township, **Armstrong County**.

Notice is hereby given the Department of Environmental Protection intends to issue a Plan Approval (PA-03-00257A) to Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) to authorize the construction and temporary operation of a coal preparation plant at their TJS No. 7 deep mine located in Manor Township, Armstrong County.

The facility's main sources and controls include Pit Conveyor, Radial Stackers, Screens, Double Deck Screen-8'x 20', Caterpillar 992 or Equivalent Front-end Loader, Emergency Caterpillar diesel engine XQ300 rated at 400 bhp, and Truck loadout (70 trucks/day estimated). Roadways will be controlled by paving and water sprays

whereas the fugitive emissions from the process will be controlled by water sprays and partial enclosures.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 24.0 tons of PM, 7.0 tons of PM₁₀, 0.7 tons of NO_x, and 0.6 tons of Carbon Monoxide. SO_x, HAPs, and GHG being minimal are not included. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 40 CFR Part 60 and 25 Pa. Code Chapters 123 and 127.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. 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 Plan Approval (specify PA-03-00257A) and concise statements regarding the relevancy of the information in the proposed Plan Approval or objections to issuance of the Plan Approval.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4030.

63-00968A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) to allow installation and initial temporary operation of eight (8) new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts, and the increased throughput of a currently authorized dehydrator up to 130 MMscf/day at the Smith Compressor Station in Smith Township, **Washington County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-63-00968A to allow the installation and initial temporary operation of eight new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts, and the increased throughput of a currently authorized dehydrator up to 130 MMscf/day at the Smith Compressor Station located in Smith Township, Washington County. Two currently authorized natural gas-fired compressor engines rated at 1,480 bhp each, one dehydrator (including reboiler) rated for 40 mmscf/day of natural gas, one gunbarrel separation tank with a capacity of 500 bbl, two condensate tanks with a capacity of 400 bbl each, and two produced water tanks with a capacity of 400 bbl each have previously been authorized for installation under GP5-63-00968.

Potential to emit from the facility (including currently authorized sources) is estimated to be 50.1 tons of nitrogen oxides (NO_x), 56.9 tons of carbon monoxide (CO), 43.6 tons of volatile organic compounds (VOC), 5.5 tons of particulate matter (PM), 6.74 tons of total hazardous air pollutants (HAP), 1.9 tons of formaldehyde, 0.51 tons of

benzene, and 91,607 tons of carbon dioxide equivalents (CO₂e) per year. Best available technology (BAT) for the proposed sources is combusting natural gas, rich burn combustion for each engine controlled by three-way catalysts, good combustion practices including the use of air to fuel ratio controllers and proper maintenance and operation. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, and 123.31; and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart JJJJ for spark ignition internal combustion engines and 40 CFR Part 60 Subpart OOOO for crude oil and natural gas production, transmission and distribution. The reporting of greenhouse gas emissions in the form of CO₂ equivalent and on a mass basis has also been included in this Plan Approval. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes NO_x, CO, and VOC emission limits, testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00968A) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

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 in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. For additional information you may contact Alan Binder at 412-442-4168.

03-00185A: Vista Metals, Inc. (1024 E Smithfield Street, McKeesport, PA 15135-1031) to authorize an increase in the emission limit of VOC at their Kittanning Powder Plant in East Franklin Township, **Armstrong County**.

Notice is hereby given the Department of Environmental Protection intends to issue a Plan Approval (PA-03-00185A) to Vista Metals, Inc. (1024 E Smithfield Street, McKeesport, PA 15135-1031) to authorize an increase in the emission limit of VOC at their Kittanning Powder Plant located in East Franklin Township, Armstrong County.

The facility's main sources and controls include Ball Mills, In-Line Screen, Ross Dryers, an underground Heptane Storage Tank, One Package Boiler System with five modules each rated at 0.3 MMBtu/hr, Two (2) Condensers to capture heptane, and One Torit Fabric Dust Collector rated at 7,100 ACFM at 70°F for PM control.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 49.92 tons of VOC, 0.10 tons of PM₁₀, 0.11 tons of NO_x, and 0.10 tons of Carbon Monoxide. SO_x being minimal is

not included. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of RACT and 25 Pa. Code Chapter 127.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. 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 Plan Approval (specify PA-03-00185A) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

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 and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information you may contact Jesse Parihar at 412-442-4030.

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

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

AMS 12253: Sun Chemical (3301 Hunting Park Ave., Philadelphia, PA 19132) to Install five Air Mixers, each 10 gallon mixing vessel that will be used to mix printing inks with capacity 80 lbs ink/batch and process rate 160 lbs ink/hr (batch cycle time is 0.5 hr) in the City of Philadelphia, **Philadelphia County**. After the installation, there will be a potential emission increase of Volatile Organic Compound (VOC) 7.8 tpy. The Plan Approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

AMS 07164: Honeywell International—Frankford Plant (Margaret & Bermuda St. Philadelphia, PA 19137) to modify Reasonably Available Control Technology (RACT) plan approval requirements for two 260 MMBTU/hr boilers that burn phenol waste, natural gas, or No. 6 oil, in the City of Philadelphia, **Philadelphia County**. A requirement to burn at least 51% phenol waste on an annual BTU heat input basis is being modified to at least 51% phenol waste or natural gas on an annual heat input basis. A requirement is being modified to allow burning fuel oil during testing between May 1 and September 30 each year (previously only allowed during gas emergencies) and to prohibit fuel oil burning during normal operation all year (previously only prohibited from May 1 to September 30). Both modifications will result in lower emissions.

The Philadelphia Department of Public Health, Air Management Services (AMS) will conduct a public hearing on January 17, 2013 at 321 University Avenue beginning promptly at 6:00 PM and continuing till conclusion of testimony to receive comments on the preliminary

determination to approve the modification. The previously scheduled public hearing on December 4, 2012 has been postponed.

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Ave., Philadelphia, PA 19104-4543, during normal business hours. Persons wishing to review these documents or to submit written comments should contact Ms. Karen Smith (215 685-7572) at the above address. All written comments must be received by January 17, 2013. Comments received by facsimile will not be considered.

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

Contact: Thomas Hanlon Permit Chief—Telephone: 717-705-4862

07-03061A: Altoona GTL LLC (10 Gilberton Road, Gilberton, PA 17934) for the construction of a facility that will utilize the Haldor Topsoe TIGAS (Topsoe Integrated Gasoline Synthesis) process to convert shale gas into gasoline and liquid propane gas (LPG). The NO_x emissions generated from the operation of the convection reformers will be controlled through the use of Selective Catalytic Reduction (SCR). VOC emissions from the gasoline loading rack activities will be controlled by a vapor recovery system. Also, several flares will be used at the site to control VOC emissions generated from emergency venting and catalyst regeneration at their site in Allegheny and Blair Townships, **Blair 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. 07-03061A is for the construction of a facility to convert shale gas into gasoline and liquid propane gas. The facility will have a potential to emit of approximately 29 tons of particulate matter per year, 19 tons of PM-10, 2 tons of SO_x per year, 2 tons CO per year, 20 tons of NO_x per year, less than 10 tons VOC per year, 1 ton per year HAPs. The plan approval will contain testing, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements. The facility will be subject to 40 CFR Part 60, Subpart VVa—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006. The storage tanks will be subject to 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The gasoline loading racks will be subject to 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals and 40 CFR Part 63, Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

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 previously 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 *PA Bulletin*, will exist for the submission of comments or protests.

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

Plan approvals issued to sources identified in 25 Pa. Code Section 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.

OPERATING PERMITS

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

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

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

54-00003: Schuylkill Energy Resources, Inc. (Highway 54 East, Shenandoah, PA 17976) for renewal of a Title V Operating Permit for operation of CFB Boiler, Coal and Ash handling equipment and Emergency Generator in Mahanoy Township, **Schuylkill County**. The facility consists of one Lurgi Corporation circulating fluidized bed (CFB) boiler; its maximum rated peak heat input capacity is 1184 MMBTU/hr. Anthracite coal culm is the primary boiler fuel, with #2 fuel oil used for startup and transient stabilization. Additionally, the company owns a diesel-powered feed water pump, and a diesel-powered emergency generator. The company owns fuel handling, ash handling, lime stone handling & storage equipment. The actual emissions of the pollutants from the facility for 2011 are, NO_x: 273.100 TPY (tons per year), CO: 427.930 TPY, SO_x: 1882.770, VOC: 24.520 TPY, PM-10: 87.680 TPY and HAPs: 0.0188 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.

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

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

63-00014: Elrama Power Plant (GenOn Power, LP, 121 Champion Way, Suite 200, Canonsburg, PA 15317) for operation of their Elrama Power Plant, in Union Township, **Washington County**. DEP also intends to issue an Acid Rain Permit for this facility.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protec-

tion (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-63-00014) to GenOn Power Midwest, LP for the operation of the Elrama Power Plant, in Union Township, Washington County. DEP also intends to issue an Acid Rain Permit for this facility.

The main sources at this facility consist of four pulverized coal-fired boilers. Units 1 and 2 are rated at 1,200 MMBtu/Hr, Unit 3 is rated at 1,300 MMBtu/Hr and Unit 4 is rated at 1,890 MMBtu/Hr. The three smaller boilers were installed in the 1950s and Unit 4 was installed in 1960. Emissions of the exhausts from all four boilers are put through a SO₂/particulate scrubber into a common stack. The plant uses No. 2 fuel oil as a start-up fuel. The boilers are also authorized to combust synfuel. All four units are authorized, but not required, to operate Selective Non-Catalytic Reduction Systems for control of NO_x emissions. Units #1, #2 and #3 are authorized, but not required, to operate Amine-Enhanced Fuel Lean Gas Reburn systems for control of NO_x emissions. Supporting equipment at this site includes material storage and handling equipment and other smaller sources.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 537 tons of carbon monoxide, 11,353 tons of nitrogen oxides, 1,785 tons of particulate matter, 14,670 tons of sulfur oxides, 47 tons of volatile organic compounds, 214.7 tons of ammonia, 370.3 tons of total hazardous air pollutants including 264 tons hydrochloric acid, 94 tons hydrogen fluoride, 0.45 ton of lead and 135 pounds of mercury, and 5,080,000 tons of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

DEP also intends to issue an Acid Rain Permit for this site. Matthew J. Pistner is the Designated Representative for Acid Rain purposes at this facility. The Title IV Permit is included by reference in the Title V Operating Permit renewal. The coal-fired units are subject to a Phase II NO_x Averaging Plan.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify TVOP-63-00016) 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 DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written

comments or requests for a public hearing should be directed to Barbara Hatch, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

09-00105: Naceville Materials—Coopersburg (483 Springfield Street, Coopersburg, PA 18036) for renewal of a State Only, Synthetic Minor Operating Permit in Springfield Township, **Bucks County**. The facility operates a Hot Mix Asphalt Plant at this site. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 23 tons per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

46-00094: Highway Materials, Inc. (5100 Joshua Road, Plymouth Meeting, PA 19462) for renewal of a State Only, Synthetic Minor Operating Permit in Whitmarsh Township, **Montgomery County**. The facility operates a Hot Mix Asphalt Plant at this site. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 24 tons per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal 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

40-00049: Pennsy Supply, Inc.—Dorrance Quarry (1001 Paxton Street, Harrisburg, PA 17104) for quarry operations in Dorrance Township, **Luzerne County**. The primary sources consist of crushers, screens, and conveyors. 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 Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

13-00015: Arfan, Inc.—Crematory (525 Delaware Avenue, Palmerton, PA 18071-1910) to operate human crematory facility in Palmerton Borough, **Carbon County**. The primary sources consist of a crematory incinerator. 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 Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

06-03150A: Craigg Manufacturing Corp. (PO Box 901, Adamstown, PA 19501) for operation of their fiberglass manufacturing operations in Spring Township, **Berks 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 has the potential-to-emit 8.45 tpy of a single HAP (styrene). The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for adhesives and sealants derived from 25 Pa Code § 129.77.

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

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

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

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

38-03045: Valspar Corp. (3050 Hanford Drive, North Lebanon Industrial Park, Lebanon, PA 17046) for the operation of their latex paint manufacturing plant in North Lebanon Township, **Lebanon County**. This is a renewal of their State-Only Operating Permit issued in 2008.

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

The subject facility has the potential-to-emit 20 tpy of PM, less than 1 tpy of VOC, & less than 1 tpy of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the

facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR, Part 63, Subpart CCCCCC—National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing.

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

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

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

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

67-03025: Bickel's Snack Foods, Inc. (1000 W College Ave., York, PA 17404) for operation of their snack foods facility in West Manchester Township, **York County**.

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

The estimated potential emissions are: 4 tons of PM-10 per year; 8 tons of CO per year; 9 tons of NO_x per year; 0.1 ton of SO_x per year; 2 tons of VOCs per year; and 0.2 ton of HAPs per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protec-

tion, in its discretion, decides that such a hearing is warranted based on the comments received.

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

22-03022: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) for operation of a feed mill in Lykens Township, **Dauphin County**.

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

The subject facility's actual emissions are expected to be 5.61 tons per year of CO, 6.67 tons per year of NO_x and less than a ton 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 the boilers 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

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

56121301 and NPDES No. PA0236152. AK Coal Resources, Inc., (1134 Stoystown Road, Friedens, PA 15541). To operate the North Fork Mine in Jenner and Quemahoning Township, **Somerset County** and related NPDES permit. Surface Acres Proposed 85.9, Underground Acres Proposed 1,154.5, Subsidence Control Plan Acres Proposed 989.6. Receiving stream: Hoffman Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority—Quemahoning Reservoir and intake: Quemahoning Creek. The application was considered administratively complete on November 27, 2012. Application received: May 14, 2012.

32841321 and NPDES No. PA0006874. Keystone Coal Mining Corporation, (400 Overview Drive, Shelocta, PA 15774). To renew the permit for the O'Donnell No. 3 Mine in Washington Township, **Indiana County** and Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. The application was considered administratively complete on November 29, 2012. Application received: May 11, 2012.

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

32980101 and NPDES No. PA234656. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 140.0 acres. Receiving stream(s): unnamed tributaries to Brush Creek and unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2012.

56120118 and NPDES No. PA0269204. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 47.0 acres. Receiving stream(s): unnamed tributaries to/and Blue Lick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 7, 2012.

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

02080104 and NPDES Permit No. PA0251500. Cherep's Excavating, LLC, (9742 Saltsburg Road, Pittsburgh, PA 15239-2126). Application received for transfer of permit currently issued to Mashuda Corporation for continued operation and reclamation of a bituminous surface mining site located in Collier and North Fayette Townships, **Allegheny County**, affecting 121.4 acres. Receiving streams: Pinkerton Run and Unnamed Tributaries to Pinkerton Run to Pinkerton Run, Robinson Run and Unnamed Tributaries to Robinson Run, all to Robinson Run to Chartiers Creek to the Ohio River—all WWF to Ohio River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received: October 18, 2012.

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

17010115 and NPDES No. PA 0243183. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866). Permit renewal for the continued operation and restoration of a bituminous surface mine and coal refuse disposal in Morris and Boggs Townships, **Clearfield County** affecting 190.1 acres. Receiving streams: Unnamed Tributaries to Emigh Run, Emigh Run and Alder Run classified for the following uses: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 26, 2012.

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

40940101C. Pioneer Aggregates, Inc., (215 East Saylor Avenue, Laflin, PA 18702), correction to an existing anthracite surface mine and coal refuse reprocessing operation in Laflin Borough and Plains Township, **Luzerne County** to request a post-mining land use

change from pre-Act Coal Mining to Industrial and to delete 52.8 acres from the existing permit for a total of permitted 64.2 acres, receiving stream: Gardner Creek, classified for the following uses: cold water and migratory fishes. Application received: September 28, 2012.

54860108R5. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1,469.0 acres, receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: November 8, 2012.

54070102R. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Butler Township, **Schuylkill County** affecting 149.7 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water and migratory fishes. Application received: November 8, 2012.

Noncoal Applications Received

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

28900301 and NPDES Permit No. PA0595861. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of NPDES Permit, Green Township, **Franklin County**. Receiving stream(s): unnamed tributary to Rock Spring Branch of Back Creek classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received November 13, 2012.

07020301 and NPDES Permit No. PA0249289, Grannas Brothers Stone and Asphalt Company, Inc., P. O. Box 488, Hollidaysburg, PA 16648-0488, renewal of NPDES Permit, Catharine Township, **Blair County**. Receiving stream(s): unnamed tributaries to Frankstown Branch of Juniata River and Frankstown Branch of Juniata River classified for the following use(s): warm water fisher. There are no potable water supply intakes within 10 miles downstream. Application received November 13, 2012.

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

8073SM2A1C8 and NPDES PA0595519. Glasgow, Inc., (P. O. Box 1089, Glenside, PA 19038), correction to an existing quarry operation to update the post-mining land use to include clean fill in Upper Merion Township, **Montgomery County** affecting 191.7, receiving stream: unnamed tributary to Schuylkill River, classified for the following uses: warm water fishes and migratory fishes. Application received: November 13, 2012.

58960809. Douglas G. Kilmer, (4847 State Route 106, Clifford Township, PA 18470), Stage I & II bond release from a quarry operation in Forest Lake Township, **Susquehanna County** affecting 2.0 acres on property owned by Anita Griffis. Application received: October 18, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

*The parameter is applicable at all times.

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

* The parameter is applicable at all times.

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0235865 (Mining Permit No. 56091301), Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). A new NPDES and mining activity permit for the Stonycreek Mine in Quemahoning Township, **Somerset County** a new underground mine. Surface Acres Affected 92.5, Underground Acres Affected 804.5. Receiving streams: Beaverdam Creek and an Unnamed Tributary to Beaverdam Creek, both classified for the following use: HQ-CWF and an Unnamed Tributary to Stonycreek River, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on August 20, 2009. Application received March 20, 2009.

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 facility location of the non-discharge alternatives are listed below:

Facility Identification:

New Facility:

- | | |
|---|---|
| 1 Outfall 004
Treatment ponds TP-1 and TP-2 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2 Outfalls 001, 002, 003, 005, and 006
Sediment ponds S-1, S-2, S-3, S-B, and SA are temporary non-discharge alternative discharges while drainage area are disturbed. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Outfall 001 discharges to: Unnamed Tributary to Beaverdam Creek

The proposed effluent limits for Outfall 001 (Lat: 40° 05' 20.4" Long: 78° 58' 37.9") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.627	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Settleable Solids (m/l)		0.2	0.4	0.5
Osmotic Pressure (mOs/kg)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

Outfall 002 discharges to: Beaverdam Creek

The proposed effluent limits for Outfall 002 (Lat: 40° 05' 17.0" Long: 78° 58' 19.6") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.150	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Osmotic Pressure (mOs/kg)		68	136	170
Total Dissolved Solids (mg/l)		-	-	REPORT
Specific Conductance (umho)		-	-	REPORT

Outfall 003 discharges to: Beaverdam Creek

The proposed effluent limits for Outfall 003 (Lat: 40° 05' 23.7" Long: 78° 58' 9.5") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.240	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Settleable Solids (m/l)		0.2	0.4	0.5
Osmotic Pressure (mOs/kg)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

Outfall 004 discharges to: Unnamed Tributary to Stonyceek River

The proposed effluent limits for Outfall 004 (Lat: 40° 05' 52.7" Long: 78° 57' 9.25") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mdg)		-	1.0	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Settleable Solids (ml/l)		39	78	98
Total Dissolved Solids (mg/l)		-	-	REPORT
Specific Conductance (umho)		-	-	REPORT

Outfall 005 discharges to: Beaverdam Creek

The proposed effluent limits for Outfall 005 (Lat: 40° 05' 20.0" Long: 78° 58' 16.5") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.072	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Settleable Solids (ml/l)		0.2	0.4	0.5
Osmotic Pressure (mOs/kg)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

Outfall 006 discharges to: Beaverdam Creek

The proposed effluent limits for Outfall 006 (Lat: 40° 05' 20.0" Long: 78° 58' 16.5") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mdg)		-	0.144	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)		-	-	REPORT
Settleable Solids (ml/l)		0.2	0.4	0.5
Osmotic Pressure (mOs/kg)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

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

NPDES No. PA0269107 (Mining permit no. 32120104), ABM Mining Company, Inc., 3330 Johnston Road, Smicksburg, PA 16256 a new NPDES permit for mining in Grant Township, **Indiana County**, affecting 36.0 acres. Receiving stream(s): unnamed tributaries to/and Rairigh Run, unnamed tributary to Little Mahoning Creek, classified for the following use(s): cold water fishery, high quality cold water fishery. Application received: July 20, 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 will be using a non-discharge alternative (all sediment ponds and treatment facilities):

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
TF-1—Treatment Pond 1	Y
TF-2—Treatment Pond 2	Y
SP-1—Sediment Pond 1	Y
SP-2—Sediment Pond 2	Y
SP-3—Sediment Pond 3	Y

NPDES No. PA0269042 (Mining permit no. 11120201), Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 288, Armagh, PA 15920, new NPDES permit for a bituminous surface/refuse reprocessing mine in East Taylor Township, **Cambria County**, affecting 145.2 acres. Receiving stream(s): unnamed tributaries to Little Conemaugh River, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-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 stormwater outfall(s) listed below discharge to unnamed tributaries to Little Conemaugh River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y
004	Y

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

<i>Outfalls: 001, 002, 003, 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

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

NPDES No. PA0241890 (Permit No. 33010102). McKay Coal Company, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Revised NPDES permit to add 13 acres and one sediment pond for a bituminous surface, auger, and tipple refuse disposal mine in Perry Township, **Jefferson County**, affecting 69.4 acres. Receiving streams: Unnamed tributary No. 2 to Foundry Run, classified for the following uses: CWF. TMDL: None. Application received: September 9, 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. 2 to Foundry Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0107123 (Permit No. 33860107). Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223-0058) Renewal of an NPDES permit for a bituminous surface mine in Perry and Oliver Townships, **Jefferson County**, affecting 67.0 acres. Receiving streams: Big Run, classified for the following use: CWF. TMDL: Redbank Creek. Application received: October 26, 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 Big Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TD-1	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		75	1.5	1.88
Total Suspended Solids (mg/l)		35.0	70.0	90.0

NPDES No. PA0259331 (Permit No. 61120107). Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) New NPDES permit for a bituminous surface mine in Irwin Township, **Venango County**, affecting 62.5 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek, classified for the following uses: CWF. Scrubgrass Creek. Application received: October 31, 2012.

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

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

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

The outfall(s) listed below discharge to an unnamed tributary to Scrubgrass 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>
pH1 (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

NPDES No. PA0614611 on Surface Mining Permit No. 54850202. B-D Mining Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an NPDES Permit for an anthracite surface mine with refuse removal, refuse disposal, coal preparation, coal ash and biosolids for reclamation operation in Shenandoah and Gilberton Boroughs and West Mahanoy and Mahanoy Townships, **Schuylkill County**, affecting 1,590.0 acres. Receiving stream: Mahanoy Creek Watershed (no discharge), classified for the following uses: warm water and migratory fishes. TMDL for Metals and pH. Application received: June 23, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits in this permit are BAT limits described above for coal mining activities. Note that non-discharge BMP's are in effect to contain all runoff from affected areas.

NPDES No. PA0224545 on Surface Mining Permit No. 54060103. Gale Mining Company, (1441 Oak Road, Pottsville, PA 17901), renewal of an NPDES Permit for an anthracite surface mine operation in Tremont Township, **Schuylkill County**, affecting 308.0 acres. Receiving streams: Stumps Run and Lorberry Creek, classified for the following use: cold water fishes. Application received: October 31, 2012.

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

The outfalls listed below discharge to Stumps Run and Lorberry Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sediment/Treatment Pond
002	Yes	Sediment/Treatment Pond

Noncoal NPDES Draft Permits

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

NPDES No. PA0595888 (Mining permit no. 5074SM4), New Enterprise Stone and Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for limestone quarry in Fannett Township, **Franklin County**, affecting 40.25 acres. Receiving stream(s): unnamed tributary to Dry Run, classified for the following use(s): cold water fishery. Application received: November 8, 2012. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Dry Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

NPDES No. PA0595861 (Mining permit no. 28900301), David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of an NPDES permit for noncoal surface mine in Green Township, **Franklin County**, affecting 55.10 acres. Receiving stream(s): unnamed tributary to Rock Spring Branch of Back Creek, classified for the following use(s): trout stocked fishery. Application received: November 13, 2012.

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

The outfall(s) listed below discharge to unnamed tributary to Rock Spring Branch of Back Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N

NPDES No. PA0595888 (Mining permit no. 5074SM4), New Enterprise Stone and Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for limestone quarry in Fannett Township, Franklin County, affecting 40.25 acres. Receiving stream(s): unnamed tributary to Dry Run, classified for the following use(s): cold water fishery. Application received: November 8, 2012.

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

The outfall(s) listed below discharge to unnamed tributary to Dry Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N

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

NPDES No. PA0225266 on Surface Mining Permit No. 36120301. ICM of Pennsylvania, Inc., (638 Lancaster Avenue, Malvern, PA 19355), new NPDES Permit for a Limestone Quarry operation in Upper Leacock and Manheim Townships, Lancaster County, affecting 106.3 acres. Receiving stream: Conestoga River, classified for the following uses: warm water and migratory fishes. Application received: February 16, 2012.

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

The outfall(s) listed below discharge to Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D. (E&S and groundwater discharge)
002	No	O.D. (E&S and groundwater discharge)
003	Yes	O.D. (E&S and groundwater discharge)
004	Yes	O.D. (E&S and groundwater discharge)

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

E46-1086. Team Store, Inc., 5245 Commonwealth Avenue, Jacksonville, FL 32254. Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a water front park in and along the 100 year floodway of the Schuylkill River, works will include, dog parks, sand volleyball court, helicopter landing pad, benches and picnic tables.

The site is located near O'Neil Property, between Washington & Poplar Street Water Front, (Norristown PA USGS Quadrangle N: 9.0 inches; W: 3.60 inches) in the Borough of Conshohocken, Montgomery County.

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

E24-260, Fox Township. Fox Township Community Park Phase II, in Fox Township, **Elk County**, ACOE Pittsburgh District (Kersey, PA Quadrangle N: 41°, 21', 53.8"; W: 78°, 35', 29.5").

To conduct the following activities associated with expansion of the existing Fox Township Community Park northeast of the intersection of SR 948 and SR 2007:

1. To install a 50-foot long, 77-inch wide by 52-inch high elliptical culvert in Beaver Run (CWF) and fill a total of 0.34 acre of adjacent wetlands (PSS) for a road crossing.

2. To construct a 6-foot wide pile supported elevated timber boardwalks across 80 feet of wetland adjacent to

Beaver Run impacting approximately 35 square feet of wetland for installation of pile supports.

3. To construct a 6-foot wide pile supported elevated timber boardwalks across 814 feet of wetland adjacent to Beaver Run impacting approximately 295 square feet of wetland for installation of pile supports.

4. Temporary impact to a total of approximately 5364 square feet of wetland associated with construction access utilizing portable wetland mats for the construction of the boardwalks and approximately 600 square feet for the installation of temporary sandbag cofferdams and bypass pumping for the installation of the roadway culvert.

Applicant proposes a contribution of \$5000.00 to the Pennsylvania Wetland Replacement Fund for compensation for the permanent wetland impacts.

E27-087 Hickory Township, P. O. Box 44, Endeavor, PA 16353. Hickory Township Wastewater System in Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 41°, 35', 20.2"; W: -79°, 23', 12.4").

To construct and maintain a 220' long wetland crossing consisting of an 8" diameter pipe set 4' deep by open trench and an approximately 15' long parallel outfall structure to East Hickory Creek consisting of an 18" diameter perforated pipe set at a minimum base depth of 4' and an approximate setback of 2' from the top of bank associated with a new public wastewater system to service the Endeavor Area of Hickory Township.

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

E5829-044. Susquehanna Gathering Company 1, LLC; PO Box 839, New Milford, PA 18834; Jackson Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 52 lineal feet of an unnamed tributary to Drinker Creek (CWF, MF) (Susquehanna, PA Quadrangle; N 41° 54' 17" Lat., W -75° 36' 57" Long.),

2) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 55 lineal feet of an unnamed tributary to Drinker Creek (CWF, MF) (Susquehanna, PA Quadrangle; N 41° 54' 16" Lat., W -75° 36' 57" Long.),

3) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber bridge crossing impacting 89 lineal feet of an unnamed tributary to Drinker Creek (CWF, MF) (Susquehanna, PA Quadrangle; N 41° 54' 10" Lat., W -75° 36' 53" Long.),

4) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 9,148 square feet (0.21 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 5" Lat., W -75° 38' 3" Long.),

5) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 16,988 square feet (0.39 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 6" Lat., W -75° 37' 35" Long.),

6) an 8 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 4,356 square feet (0.10 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 7" Lat., W -75° 37' 33" Long.),

7) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,742 square feet (0.04 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 11" Lat., W -75° 37' 24" Long.),

8) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,307 square feet (0.03 acre) of PSS wetland (Susquehanna, PA Quadrangle; N 41° 54' 12" Lat., W -75° 37' 23" Long.),

9) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,742 square feet (0.04 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 11" Lat., W -75° 37' 24" Long.),

10) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 1,742 square feet (0.04 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 16" Lat., W -75° 36' 57" Long.),

11) a 12 inch diameter natural gas steel gathering line, 16 inch diameter waterline, and a temporary timber mat crossing impacting 436 square feet (0.01 acre) of PEM wetland (Susquehanna, PA Quadrangle; N 41° 54' 13" Lat., W -75° 36' 56" Long.).

The project consists of constructing, operating, and maintaining approximately 1.99 miles of gathering line and waterline in Jackson Township, Susquehanna County. The project will result in the impact of 196 lineal feet of unnamed tributaries to Drinker Creek and 0.86 acre (37,462 square feet) of wetlands impacts, all for the purpose of conveyance of produced natural gas to market.

E5729-047: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,947 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41°30'26", Longitude: -76°26'48");

2. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 2,355 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41°30'24", Longitude: -76°36'54");

3. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,947 square feet of a Palustrine Emergent Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°30'26", Longitude: -76°37'03");

4. one 6 inch diameter natural gas line impacting 4 linear feet of an unnamed tributary to Blackwater Run (EV) and impacting 74 square feet of an adjacent Palustrine Forested Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°30'31", Longitude: -76°37'11");

5. one 6 inch diameter natural gas line impacting 4 square feet of a Palustrine Emergent Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°35'21", Longitude: -76°19'58");

6. a temporary timber mat bridge impacting 228 square feet of a Palustrine Emergent Wetland (Overton, PA Quadrangle, Latitude: 41°30'33", Longitude: -76°37'27");

7. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 190 linear feet of Kings Creek (EV) (Shunk, PA Quadrangle, Latitude: 41°30'40", Longitude: -76°37'42");

8. one 6 inch diameter natural gas line impacting 122 linear feet of an unnamed tributary to Kings Creek (EV) (Shunk, PA Quadrangle, Latitude: 41°30'45", Longitude: -76°37'42");

The project will result in 316 linear feet or 7,183 square feet of temporary stream impacts and 7,489 square feet (0.17 acre) of PEM and 74 square feet (0.01 acre) of PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

E5729-045: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Fox Township, Sullivan County, ACOE Baltimore District.

To construct, operate and maintain the Fox Gathering Line Project, which consists of one 16-inch steel natural gas pipeline, with the following impacts:

1. 6,390 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°34'08.68", Longitude: W76°46'20.96");

2. 1,287 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°33'26.32", Longitude: W76°45'32.39");

3. 150.0 linear feet of Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°33'03.46", Longitude: W76°45'48.34");

4. 80.0 linear feet of a UNT to Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°33'02.76", Longitude: W76°45'49.31");

5. 240.0 linear feet of three UNTs to Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°33'01.54", Longitude: W76°45'49.11");

6. 212.0 linear feet of two UNTs to Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°32'59.70", Longitude: W76°45'48.81");

7. 150.0 linear feet of a UNT to Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°32'51.93", Longitude: W76°45'47.55");

8. 80.0 linear feet of a UNT to Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°32'51.10", Longitude: W76°45'47.41");

9. 80.0 linear feet of a UNT to Fall Run (EV, CWF) via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°32'49.70", Longitude: W76°45'47.19");

10. 223.0 linear feet of two UNTs to Fall Run (EV, CWF) and 381 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Grover, PA Quadrangle, Latitude: N41°32'22.58", Longitude: W76°45'59.80"); and

11. 416 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands for a temporary access road crossing (Grover, PA Quadrangle, Latitude: N41°33'09.30", Longitude: W76°45'55.14").

The project will result in 1,215.0 linear feet of temporary stream impacts, and 8,474 square feet (0.19 acre) of temporary EV PEM wetland impacts all for the purpose of installing a natural gas gathering line and associated access roadways for Marcellus shale development.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D30-020A. DCNR, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551.

To reconstruct Ryerson Station Dam across North Fork Dunkard Fork (TSF) for the purpose of creating a recreational lake. This application was originally published in Volume 42, Number 44 on Saturday, November 3, 2012. The public comment period for this application will remain open until December 30, 2012. (Wind Ridge, PA Quadrangle. Lat.: 39.8899 Long.: -80.4497) Richhill Township, **Greene County**.

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>
PA0062243 (Sewage)	Borough of Nesquehoning (Nesquehoning Regional Sewage Treatment Plant) 114 W. Catawissa Street Nesquehoning, PA 18240-1511	Carbon County Nesquehoning Borough	Nesquehoning Creek (2-B)	Y
PAS802203 (Storm Water)	Mack Trucks Macungie Division 7000 Alburtis Road Macungie, PA 18062-9632	Lehigh County Lower Macungie Township	Swabia Creek (2-C) High Quality— Cold Water Fishes	Y
PA0064173 (Sewage)	Heislrs Cloverleaf Dairy RR 1 Tamaqua, PA 18252	Schuylkill County Walker Township	Beaver Creek Cold Water Fishes 3A	Y
PAS202209 (Storm Water)	Apollo Metals Ltd 1001 14th Avenue Bethlehem, PA 18018-2207	Lehigh County Bethlehem City	Unnamed Tributary to Monocacy Creek (2-C) High Quality— Cold Water Fishes	Y

Southwest Region: Water Management 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>
PA0026506 Sewage	Thompson Run STP 1302 Lower Bull Run Road West Mifflin, PA 15122-2902	Allegheny County West Mifflin Borough	Thompson Run	N
PA0022365 Sewage	Perryopolis STP Independence Street Perryopolis, PA 15473-0298	Fayette County Perryopolis Borough	Youghiogheny River	Y
PA0094455 Sewage	Dogwood Acres MHP SR 217 Bergman Road Derry, PA 15672	Westmoreland County Derry Township	McGee Run	Y
PA0092037 Sewage	Covenant Mobile Park, LLC 2001 Autumn Lane Greensburg, PA 15601	Westmoreland County Unity Township	Little Crabtree Creek	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. PA0051713, IW, Evonik Degussa Corporation, 1200 West Front Street, Chester, PA 19013-3438.

This proposed facility is located in City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated industrial wastewater from a facility known as Evonik Degussa Chester PA Facility to Delaware River Estuary Zone 4 in Watershed 3-G.

NPDES Permit No. PA0050865, IW, **Gessner Products Company, Inc.**, 241 North Main Street, P. O. Box 389, Ambler, PA 19002-0389.

This proposed facility is located in Ambler Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge non-contact cooling water from a facility known as Gessner Products Ambler Facility to Unnamed Tributary to Wissahickon Creek in Watershed 3-F.

NPDES Permit No. PA0058599, Sewage, **Quartuccio Associates, LLC**, P. O. Box 430, Pipersville, PA 18947.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 1,000 gpd of treated sewage from a facility known as Quartuccio Associates STP to Unnamed Tributary to Cabin Run in Watershed 2-D.

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

NPDES Permit No. PAS706104, Industrial Waste, **Valvoline, Division of Ashland, Inc.**, 3499 Blazer Parkway, Lexington, KY 40509

This proposed facility is located in Rochester Borough, **Beaver County**

Description of Proposed Action/Activity: Permit issuance for treated and uncontaminated storm water runoff.

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. 1506407, Sewage, **Renewal, East Brandywine 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 land application of treated sewage via spray irrigation and drip disposal beds located at the Applecross Golf Course.

WQM Permit No. 1596401, Sewage, **Renewal, Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Approval for renewal of WQM Part II permit to allow continued operation of the Culbertson Run WWTP, which includes land application of treated sewage via large volume on-lot disposal beds in East Brandywine Township.

WQM Permit No. 1512413, Sewage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and force main.

WQM Permit No. 2376203, Industrial Waste, **Transfer, Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Action/Activity: Permit transferred from previous owner Phillip 66 Company to Monroe Energy, LLC.

WQM Permit No. 2372201, Industrial Waste, **Transfer, Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Action/Activity: Permit transferred from previous owner Phillip 66 Company to Monroe Energy, LLC.

WQM Permit No. 2386201, Industrial Waste, **Transfer, Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Action/Activity: Permit transferred from previous owner Phillip 66 Company to Monroe Energy, LLC.

WQM Permit No. 2371207, Industrial Waste, **Transfer, Monroe Energy, LLC**, 4101 Post Road, Trainer, PA 19061.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Action/Activity: Permit transferred from previous owner Phillip 66 Company to Monroe Energy, LLC.

WQM Permit No. WQG02151207, Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380-6107.

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

Description of Action/Activity: Construction and operation of a force main that will divert the flow from the Chester Creek Collection System to the East Goshen Township's Ridley Creek Collection System.

WQM Permit No. 4612406. Sewage, **Entrance Systems Inc.**, 2500 Quakertown Road, Pennsburg, PA 18073.

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

Description of Action/Activity: Construction and operation of a wastewater treatment plant with spray irrigation.

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

WQM Permit No. 2895404, Amendment 12-1, Sewerage, **Dillsburg Area Authority York County**, 98 West Church Street, Dillsburg, PA 17019.

This proposed facility is located in Dillsburg Borough, **York County**.

Description of Proposed Action/Activity: Permit approval for the upgrade / operation of the existing Carroll Drive wastewater pump station and construction of a new 2,725' long & 10" force main (Carroll Drive PS).

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

WQM Permit No. 02171202, SIC Code 1623, **Woodward Township Sewer & Water Authority Clearfield County**, P O Box 6, Houtzdale, PA 16651.

This proposed facility is located in Gulich Township, **Clearfield County**.

Description of Proposed Action/Activity: A new duplex submersible sewage pump station (i.e., Kittanning Street Pump Station) will convey wastewater from the Ginter area sewer system to the existing Woodward Township Sewage and Water Authority's WWTP (PA0208922).

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

WQM Permit No. 0408201, Industrial Waste, **Valvoline, Division of Ashland, Inc.**, 3499 Blazer Parkway, Lexington, KY 40509

This proposed facility is located in Rochester Borough, **Beaver County**

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

WQM Permit No. 461S39-A2, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642-2018

This existing facility is located in North Huntingdon Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

WQM Permit No. 2704401, Sewage, **Amendment No. 1, Jenks Township**, 135 Pine Street P. O. Box 436, Marienville, PA 16239.

This existing facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This amendment approves the modification of sewage facilities consisting of three aerated sludge basin blowers, coarse bubble diffusers, and related appurtenances.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091202	ProLogis 60 State Street, Ste 1200 Boston, MA 02109-1800	Bucks	Milford Township	Unnamed Tributary Molasses Creek and Licking Run (HQ-TSF-MF)
PAI01 1506098-R	Malvern Hill Associates, Inc. 2701 Renaissance Blvd King of Prussia, PA 19406	Chester	East Whiteland Township	Little Valley Creek (EV); Lower Schuylkill River (MF)
PAI01 1506058-R	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Chester	Wallace Township	East Branch Brandywine Creek/Brandywine Creek (HQ-TSF-MF)
PAI01 151226	TPT Partners, LP 910 Germantown Pike Plymouth Meeting, PA 19462	Chester	North Coventry Township	Unnamed Tributary to Schuylkill River (HQ-TSF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 461206	Pennbrook Development Partners 2100, LP 311 Sumneytown Pike, Suite 1A North Wales, PA 19454	Montgomery	Upper Gwynedd Township	Tributary Towamencin Creek Perkiomen Creek Watershed (TSF-MF)
PAI01 511205	Sysco of Philadelphia, LLC 600 Packer Avenue Philadelphia, PA 19148	Philadelphia	City of Philadelphia	Delaware River (WWF)
PAI01 511206	Green Woods Charter School 119 Rector Street Philadelphia, PA 19127	Philadelphia	City of Philadelphia	Unnamed Tributary Schuylkill River (WWF-MF)

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>
PAI025211005	Jewish Reconstructionist Camping Corporation 1299 Church Rd. Wyncote, PA 19095	Pike	Greene Twp.	UNT to Wallenpaupack Creek, EV; UNT to Freeling Run, HQ-CWF, MF
PAS10S013R	First National Community Bank 200 S. Blakely St. Dunmore, PA 18512	Monroe	Stroud Twp., and Stroudsburg Borough	Brodhead Creek, CWF, MF; Cherry Creek, HQ-CWF, MF
PAI024812005	Pennsylvania American Water 800 West Hershey Park Drive Hershey, PA 17033	Northampton	Plainfield Twp.	Bushkill Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033611001	Robert Weaver CNB Management Group, LP 44 Truce Road New Providence, PA 17560	Lancaster	Bart Township	Nickel Mines Run (HQ-CWF)

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

Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044708001R	Dawn E. Quinn-Doiron 150 E 9th St Bloomsburg PA 17815	Montour	Mayberry Township	Roaring Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

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

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact: Office & Phone No.</i>
Falls Township Bucks County	PAG0200 0910029-R	Waste Management of Pennsylvania, Inc. 1000 New Ford Road Morrisville, PA 18901	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAG0200 0905088-R	Stanton Properties, LLC 339 Armwell Road Hillsborough, NJ 08844	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Delaware County	PAG0200 2311021-1	National Developers 1604 Walnut Street Philadelphia, PA 19103	Darby Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Moreland Township Montgomery County	PAG0200 4612083	Richard Mellow, Jr. 640 Red Lion Road Huntingdon Valley, PA 19006	Huntingdon Valley Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4612069	Gary Graham PO Box 67676 700 South Eisenhower Blvd Middletown, PA 17057	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511017-R	Philadelphia Regional Port Authority 3460 North Delaware Avenue Philadelphia, PA 19134	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511219	University of the Sciences Philadelphia 600 South 43rd Street Philadelphia, PA 19104	Schuylkill River Schuylkill Tidal B (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511222	Payless Car Rental 6938 Norwitch Drive Philadelphia, PA 19153	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*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>
Bangor Borough, Northampton County	PAG02004812006	Bangor Borough Authority P. O. Box 51 58 Market St. Bangor, PA 18013	Brushy Meadow Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Lower Nazareth Twp., Northampton County	PAG02004812012	Anderson Daub Brown Daub, Inc. 3903 Hecktown Rd. Easton, PA 18045	Schoeneck Creek, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Hazle Twp., Luzerne County	PAG02004012017	Hazle Spindle, LLC 65 Middlesex Rd. Tyngsboro, MA 01879	Stony Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Upper Saucon Twp., Lehigh County	PAG02003905026R	Alex Hornstein Omega Homes 1150 S. Cedar Crest Blvd. Ste. 300 Allentown, PA 18103	Laurel Run, CWF, MF	Lehigh County Cons. Dist. 610-391-9583

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact: Office & Phone No.</i>
Huntington Township Adams County	PAG02000112025	Ravi Vaylay SAI Fresh Farms, Inc. 567 Lucinda Lane Mechanicsburg, PA 17055	South Branch Mud Run/WWF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Tyrone Township Adams County	PAG02000112027	Galen Smith Tyrone Township 5280 Old Harrisburg Road York Springs, PA 17372	Conewago Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Logan Township Blair County	PAG02000712016	Timothy Barr First Church of Christ 113 Good Shepard Road Altoona, PA 16601	Spring Run/WWF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Upper Allen Township Cumberland County	PAG02002107050	JIMJAM, LLC Pennington Four Woodstock Court Mechanicsburg, PA 17050	UNT Yellow Breeches Creek/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Harrisburg City Dauphin County	PAG02002210044(1)	Harrisburg Area Community College One HACCC Drive Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

NOTICES

7579

<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	PAG02002212032	William F. Rothman 553 Bridgeview Drive Lemoyne, PA 17043	Beaver Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Jackson Township Dauphin County	PAG02002212035	Bradley K. Lauver 659 Lancaster Avenue Harrisburg, PA 17112-2254	Armstrong Creek/TSF, MF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
East Hanover Township Dauphin County	PAG02002210046R	Keystone Custom Homes 222 Granite Run Road Lancaster, PA 17601	Bow Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Conewago Township Dauphin County	PAG02002207062	Edward & Kathleen Vander Bush 130 Krauser Road Downingtown, PA 19335	Hoffer Creek/TSF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Middle Paxton Township Dauphin County	PAG02002212042R	Gary Lenker Dunco Construction, Inc. PO Box 123 Dauphin, PA 17018	Susquehanna River/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
South Londonderry Township Lebanon County	PAG02003812027	Harold Sensenig 4301 Harvest Road Manheim, PA 17545	Little Conewago Creek & Tributary to Conewago Creek/TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Cornwall Township Lebanon County	PAG02003810009R	Jonathan Beers 2311 Ridgeview Road Lebanon, PA 17042	Snitz & Quittapahilla Creeks/TSF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Jackson Township Lebanon County	PAG02003812028	Norman Martin 61 Pleasant Drive Myerstown, PA 17067	UNT Deep Run/Deep Run Tributary to Little Swatara Creek/WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

<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>
Warrington Township York County	PAG02006712046	Joseph Search Diamond Creek Farms 700 Cane Ridge Road Paris, KY 40361	Doe Run/Conewago Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Spring Garden Township York County	PAG02006709065R1	Dr. Kenneth Martin 441 Country Club Road York, PA 17403-3651	Codorus Creek/Oil Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Dover Borough York County	PAG02006710023R	David Nelson Dover Area School District Two School Lane Dover, PA 17315	Fox Run/UNT to Fox Run/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Manchester Township York County	PAG02006710039R	J. Michael Millard Columbia Bank 7185 Gateway Drive Columbia, MD 21046	UNT to Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Dover Township York County	PAG02006707025R	Robert Myers III Terra LLC 2200 Monroe Street York, PA 17404	Fox Run/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township York County	PAG02006710018R	Vincent Rice Aaron Enterprises, Inc. 300 Cloverleaf Road York, PA 17406	Conewago Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Fairview Township York County	PAG02006712038	USACOE Baltimore District Ten S. Howard St., Room 7000 Baltimore, MD 21201	Marsh Run/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Jacobus Borough York County	PAG02006712020	William & Gail Acker 8471 Fishel Creek Road Seven Valleys, PA 17360	East Branch Codorus Creek/CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

NOTICES

7581

*Facility Location:
Municipality &
County*

Chanceford
Township
York County

Permit No.
PAG02006712040

*Applicant Name &
Address*
Jonathan Beiler
1697 Furnace Road
Seven Valleys, PA 17360

*Receiving
Water/Use*
Otter Creek/CWF

*Contact: Office &
Phone No.*
York Co.
Conservation
District
118 Pleasant Acres
Rd
York, PA 17402-8984
717.840.7430

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

*Facility Location:
Municipality &
County*

Sandy Township
Clearfield County

Permit No.
PAG02001712020

*Applicant Name &
Address*
Sheetz Inc
351 Sheetz Way
Claysburg PA 16625

*Receiving
Water/Use*
Slab Run CWF

*Contact: Office &
Phone No.*
Clearfield County
Conservation
District
511 Spruce St Ste 6
Clearfield PA 16830
(814) 765-2629

Fairfield & Muncy
Townships
Lycoming County

PAG02004112029(1)

Aubrey Alexander Blaise
Alexander Family LP
10 Alexander Dr
Muncy PA 17756

UNT to Turkey Run
WWF

Lycoming County
Conservation
District
542 County Farm Rd
Ste 202
Montoursville PA
17754
(570) 433-3003

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

*Facility Location:
Municipality &
County*

Center Township
Beaver County

Permit No.
PAG02000412015

*Applicant Name and
Address*
Center Township Board of
Supervisors
224 Center Grange Road
Aliquippa, PA 15001

*Receiving
Water/Use*
UNT to Moon Run
(WWF)

*Contact: Office and
Phone No.*
Beaver County CD
156 Cowpath Road
Aliquippa, PA 15001
(724) 378-1701

Redstone Township
Fayette County

PAG02002612015

Threshold Housing
Development, Inc.
55 North Beeson Avenue
Uniontown, PA 15401

Four Mile Run
(WWF)

Fayette County CD
10 Nickman Plaza
Lemont Furnace, PA
15456
(724) 438-4497

Larimer Township
Somerset County

PAG02005612011

CSX Transportation, Inc.
500 Water Street, J-275
Jacksonville, FL 32202

Flaugherty Creek
(CWF)

Somerset County CD
6024 Glades Pike
Suite 103
Somerset, PA 15601
(814) 445-4652

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

*Facility Location:
Municipality &
County*

Adams Township &
Valencia Borough
Butler County

Permit No.
PAG02001005025R

*Applicant Name &
Address*
St. Barnabas Land Trust Inc
Attn: Mr. William V. Day
5850 Meridian Road
Gibsonia PA 15044

*Receiving
Water/Use*
Unt Breakneck
Creek WWF

*Contact: Office &
Phone No.*
Butler County
Conservation
District
724-284-5270

Toby Township,
Rimersburg Borough
Clarion County

PAG02001612005

Rimersburg Borough Municipal
Authority
197 Main Street
Rimersburg PA 16248

Wildcat Run CWF
Cherry Run CWF

Clarion County
Conservation
District
814-297-7813

<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>
Millcreek Township Erie County	PAG02002510006R	PADOT District 1-0 255 Elm Street PO Box 398 Oil City PA 16301	Wilkins Run CWF; MF	Erie County Conservation District 814-825-6403
Wilmington Township Mercer County	PAG02004312012	Jeff McFarland Lakeland Dairy 272 Angel Road New Wilmington PA 16142	West Branch Little Neshannock TSF	Mercer County Conservation District 724-662-2242
<i>General Permit Type—PAG-03</i>				
<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>
Upper Gwynedd Township Montgomery County	PAR230048	Colorcon Inc. 415 Moyer Boulevard West Point, PA 19486	Wissahickon Creek- 3F	Southeast Region Clean Water Program 484.250.5970
Quakertown Borough Bucks County	PAG320002	AGC Flat Glass North America, Inc. 480 California Road Quakertown, PA 18951	Unnamed Tributary to Beaver Run	Southeast Region Clean Water Program 484.250.5970
BFI Bucks Mont Facility Hilltown Township Bucks County	PAR800025	BFI Waste Services of PA LLC 731 East Reliance Road Telford, PA 18969	Mill Creek—3E	Southeast Region Clean Water Program 484.250.5970
Tunkhannock Borough, Wyoming County	PAR222212	Millwood, Inc. & Liberty Technologies 3708 International Blvd. Vienna, OH 44473	Swale Brook, CWF, MF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Taylor Borough, Lackawanna County	PAR502206	Environmental & Recycling Services, Inc. 1100 Union St. Taylor, PA 18517	Saint Johns Creek, CWF, MF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Camp Hill Borough Cumberland County	PAR123562	ADM Milling Company PO Box 3100 Shiremanstown PA 17011-3100	UNT of Cedar Run / CWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Antrim Township Franklin County	PAR803733	Norfolk Southern Corp. 845 Milnor Road Greencastle, PA 17225	UNT to Conococheague Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Fermanagh Township Juniata County	PAR123563	Valley Proteins, Inc. 687 Cleck Road Mifflintown, PA 17059	UNT to Lost Creek/ TSF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

NOTICES

7583

<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>
Tuscarora Township Bradford County	PAR114820	Cameron International Corp 1909 Cornell Road Laceyville, PA 18623-7884	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Wysox Township, Bradford County	PAR324808	Bishop Brothers Construction, Inc. P. O. Box 289 Ulster, PA 18850	Susquehanna River—4-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Bradford Township Clearfield County	PAR224853	Walker Lumber Co. Inc. PO Box 60 148 Tipple Lane Woodland, PA 16881	Beaver Run, Forcey Run and Roaring Run—8-C and 8-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
City of Pittsburgh Allegheny County	PAR706104	Lindy Paving, Inc. 586 Northgate Circle New Castle, PA 16105-5548	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Deemston Borough Washington County	PAR806222	Deemston Borough 1622 Morey Road Fredericktown, PA 15333	UNT to Fishpot Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Robinson Township Allegheny County	PAR216146	Universal Specialties 500 Beaver Grade Road Coraopolis, PA 15108	UNT of Montour Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Center Township Indiana County	PAR706117	Lindy Paving, Inc. 2340 2nd Avenue Pittsburgh, PA 15748	Two Lick Creek	Southwest Regional Office: Water Management 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>
South Bend Township Armstrong County	PAR706123	Armstrong Energy Limited Partnership, LLP 2313 State Route 156 Shelocta, PA 15774-3005	Crooked Creek & UNT to Gobblers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
City of New Kensington Westmoreland County	PAR606193	Rex Lucchetti Auto Parts 2460 Constitution Boulevard New Kensington, PA 15068	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Verona Borough Allegheny County	PAR126108	Lamagna Cheese Company, Inc. PO Box 303 Verona, PA 15147-0303	Plum Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

General Permit Type—PAG-5

<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>
Southwest Greensburg Borough Westmoreland County	PAG056234	Shell Oil Products, US PMB 311 4417 13th Street Saint Cloud, FL 34769	Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Indiana Borough Indiana County	PAG056229	Shell Oil Products, U.S. PMB 311 4417 13th Street St. Cloud, FL 34769	Marsh Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Allegheny Township Westmoreland County	PAG056243	Glassmere Fuel Service, Inc. PO Box 187 Curtisville, PA 15032	UNT to Kiskiminetas River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*Facility Location:
Municipality &
County*

Menallen Township
Fayette County

Permit No.

PAG056183

*Applicant Name &
Address*

United Refining Company of PA
814 Lexington Avenue
Warren, PA 16365

*Receiving
Water / Use*

UNT to Redstone
Creek

*Contact: Office &
Phone No.*

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront
Drive
Pittsburgh PA
15222-4745
(412) 442-4000

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Charleston Township
Tioga County

Permit No.

PAG104832

*Applicant Name &
Address*

Tennessee Gas Pipeline LLC
1001 Louisiana Street
Houston, TX 77002

*Receiving Water /
Use*

Catlin Hollow—4-A

*Contact: Office &
Phone No.*

DEP Northcentral
Regional Office
Clean Water
Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

**STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Robert Boyles & Family 258 Mountain Road Muncy Valley, PA 17758	Lycoming	219.7	631.79	Swine & Beef	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

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

Permit No. 0912531, Minor Amendment. Public Water Supply.

Applicant	Quakerview Mobile Home Park 6612 Powder Valley Road Zionsville, PA 18092
Township	Milford
County	Bucks
Type of Facility	PWS
Consulting Engineer	Ms. Gayle Cichocki 6612 Powder Valley Road Zionsville, PA 18092
Permit to Construct and Operate Issued	November 28, 2012

Permit No. 1511537, Minor Amendment. Public Water Supply.

Applicant	Cochranville MHP High Point Road Cochranville, PA 19330
Township	West Fallowfield
County	Chester
Type of Facility	PWS
Consulting Engineer	James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Operate Issued	November 28, 2012

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

Permit No. 3812512 MA, Minor Amendment, Public Water Supply.

Applicant	Lebanon Country Club
Municipality	North Cornwall Township
County	Lebanon
Responsible Official	Matt Gebel, General Manager 3375 Oak Street Lebanon, PA 17042
Type of Facility	GWR 4-log treatment of viruses for EP 101. Installation of additional contact tanks.
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	11/30/2012

Permit No. 0512509, Public Water Supply.

Applicant	Ammon Martin
Municipality	Woodbury Township
County	Bedford
Responsible Official	Ammon Z. Martin, Owner 1086 Curryville Road Martinsburg, PA 16662
Type of Facility	Addition of nitrate treatment.
Consulting Engineer	David M. Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648
Permit to Construct Issued:	11/19/2012

Operations Permit issued to: **The York Water Company**, 7670100, North Codorus Township, **York County** on 11/30/2012 for the operation of facilities approved under Construction Permit No. 6712506 MA.

Operations Permit issued to: **East Sharpsburg Water Association**, 4070033, Taylor Township, **Blair County** on 11/16/2012 for the operation of facilities submitted under Application No. 0712505 MA.

Operations Permit issued to: **The Meadows at Bethel MHC**, 3060106, Bethel Township, **Berks County** on 11/19/2012 for the operation of facilities submitted under Application No. 0612520 MA.

Operations Permit issued to: **Meadowview Manor MHP**, 4440019, Wayne Township, **Mifflin County** on 11/19/2012 for the operation of facilities submitted under Application No. 4412504 MA.

Operations Permit issued to: **Wadel's MHP**, 7280027, Southampton Township, **Franklin County** on 11/29/2012 for the operation of facilities approved under Construction Permit No. 2812504 MA.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	Mifflinburg Borough Municipal Authority
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[Township or Borough] Mifflinburg Borough
 County **Union**
 Responsible Official Ms. Margaret Metzger
 Mifflinburg Borough Municipal Authority
 120 North Third Street
 Mifflinburg, PA 17844

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued November 27, 2012
 Description of Action Operation for the modifications to backwash tank and filters 1 and 2 rehabilitation.

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Aqua PA—Mifflin Township Water System**

[Township or Borough] Mifflin Township

County **Columbia**

Responsible Official Mr. William C. Ross
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued December 3, 2012
 Description of Action Installation of 124 feet of 36 inch diameter contact piping at the Mifflin Township treatment building.

Permit No. 1969501-T1—Transfer and Operation Public Water Supply.

Applicant **Aqua PA—Mifflin Township Water System**

[Township or Borough] Mifflin Township

County **Columbia**

Responsible Official Mr. William C. Ross
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued December 3, 2012
 Description of Action Transfer of Mifflin Township Water System to Aqua Pennsylvania, Inc.

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

Transfer of **Operation Permit** issued to **Jefferson Estates M.H.C., LP**, PWSID #6430010, Jefferson Township, **Mercer County** on November 29, 2012. Action is for change in ownership; the potable water supplier will do business as Jefferson Estates Mobile Home Park. The new permit number is 4391504-T1.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response Franklin Glass Site City of Butler, Butler County

The Pennsylvania Department of Environmental Protection (“Department”), under the authority of the Hazardous Sites Cleanup Act, 35 P.S. Section 6020.101 et. seq. (“HSCA”), proposes to conduct an interim response at the Franklin Glass Site (“site”). The site is located in the City of Butler, Butler County, Pennsylvania. The site consists of residential and unimproved land where glass manufacturing wastes were historically disposed and the associated impacted soils containing arsenic. The waste disposal area is intersected by Coal Run and its receiving stream, Connoquenessing Creek. Potential human health exposure results from underlying wastes and impacted soils exposed by the eroding stream banks of those waterways. Specific sections of those streams currently have more extensive erosion and pose a more urgent threat than other sections.

The Department has investigated the site and has thus far identified three Areas Of Concern (“AOC”) at the site: The Upstream Reach of Coal Run; the Downstream Reach of Coal Run; and the Residential/Park Area.

For this proposed interim response, the Department considered five alternatives for the Upstream Reach of Coal Run:

Alternative 1. No action with ongoing monitoring;

Alternative 2. Vegetated Slope with Riprap at Stream Level/Existing Stream Alignment;

Alternative 3. Vegetated Slope with Riprap at Stream Level/ Stream Re-Alignment;

Alternative 4. Vegetated Slope with Gabions at Stream Level/Existing Stream Alignment;

Alternative 5. Vegetated Slope with Gabions at Stream Level/ Stream Re-Alignment.

For the Downstream Reach of Coal Run, the Department considered two alternatives:

Alternative 1. No Action with ongoing monitoring;

Alternative 2. Installation of Temporary Fencing

For the Residential/Park Area, the Department considered three alternatives:

Alternative 1. No Action;

Alternative 2. Restrictions on Subsurface Activities and Groundwater Use;

Alternative 3. Excavation and Off-Site Disposal of Contaminated Soils.

Each alternative was evaluated with respect to four comparison criteria of: 1) Effectiveness; 2) Implementability; 3) Ability to meet state and federal requirements; and 4) Cost. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

As the prompt interim response at the site, the Department proposes to implement the following alternatives:

1. Upstream Reach of Coal Run: Alternative 2. Vegetated Slope with Riprap at Stream Level/Existing Stream Alignment.

2. Downstream Reach of Coal Run: Alternative 2. Installation of Temporary Fencing

3. Residential/Park area at the site: Alternative 2. Restrictions on Subsurface Activities and Groundwater Use.

The Department chose these alternatives because they each protect the public and environmental receptors from the risks associated with the hazardous substances at each AOC at the site in the most cost-effective manner.

The proposed interim response is not a final remedial response pursuant to Section 504 of HSCA, and, therefore, is not required to meet the cleanup standards that apply to final remedial responses. However, the proposed alternatives are consistent with any potential future remedial actions and future investigation activities.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8:00 a.m. to 4:00 p.m. Please telephone beforehand for an appointment (telephone: 814-332-6648).

The administrative record will be open for comment from December 15, 2012 until March 15, 2013. Persons may submit written comments into the record during this time only, by sending them to Mr. Chris Saber, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The public hearing will be held at the Center Avenue School Auditorium, 102 Lincoln Ave., Butler, PA on January 15 beginning at 6:30 pm. Persons wishing to present comments must register with Mr. Saber at the Department's Northwest Regional Office by January 7, 2013, by telephone or in writing. Persons interested in finding out if anyone has registered should contact Mr. Saber. If no one registers to present oral comments by January 7, 2013, the public meeting will not be held.

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:

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

Former BP Terminal 4567—Eastern Parcel, Old US Route 220, Duncansville, PA 16635, Blair Township, **Blair County**. Antea Group, / Antea USA, Inc., 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Pennsylvania Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Former BP Terminal 4567—Western Parcel, Old US Route 220, Duncansville, PA, 16635, Blair Township, **Blair County**. Antea Group, / Antea USA, Inc., 780 East Market Street, Suite 120, West Chester, PA 19382, on behalf of Atlantic Richfield Company, A BP Products North America Inc. Affiliated Company, 501 West Lake Park Boulevard, WL1-28, 160B, Houston, TX 77079 and Kevin Kneezle, 236 Pioneer Drive, Duncansville, PA 16635, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Philadelphia Suburban Development Corporation, 2301-2307 North 7th Street, Harrisburg, PA 17101, City of Harrisburg, **Dauphin County**. Environmental Maintenance, Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Philadelphia Suburban Development Corporation, 100 Ross Road, King of Prussia, PA 19406, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Helene Master Property, 75 Bernville Road, Robeson, PA 19551, Heidelberg Township and Borough of Robeson, **Berks County**. Liberty Environmental, Inc., 50 North Street, 5th Floor, Reading, PA 19601, on behalf of Residuary Trust u/w of Helene Master, David Rick, Trustee, 2650 Westview Drive, Wyomissing, PA 19610, submitted a Final Report concerning remediation of site soils and groundwater contaminated with leaded and unleaded gasoline from unregulated underground storage tanks. The report is intended to document remediation of the site to meet a combination of the Site-Specific and Residential Statewide Health standards.

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

PBM, Inc., Facility, 1071 Sandy Hill Road, City of Irwin, (Penn Township), **Westmoreland County**. Civil & Environmental Consultants, Inc. 4000 Triangle Lane, Suite 200, Export PA 15632 on behalf of PBM Inc., 1070 Sandy Hill Road, Irwin, PA 15642 has submitted a Remedial Investigation Report and Final Report concerning the remediation of elevated concentrations of Barium, PAH's, and VOC's in groundwater and lead in subsurface soils. The site is currently used for valve manufacturing and will remain unchanged.

Dick Industrial Inc., Large Site, Jefferson Borough, **Allegheny County**. Penn E&R, 100 Ryan Court, Suite 100, Pittsburgh, PA 15205 on behalf of Dick Industrial Inc., 1900 State Route 51, Large, PA 15025 has submitted a Remedial Investigation Report, Risk Assessment Report and Final Report concerning the remediate of site soil and groundwater contaminated with solvents and petroleum products from prior operations at the site. The future use of the site will be non-residential light industrial, or commercial.

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

Staiman Recycling Corp. Accident, Route 220 Northbound, Laporte Township, **Sullivan County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, Pa 18452 on behalf of Staiman Recycling, Inc., 201 Hepburn Street, Williamsport, Pa 17703 has submitted a Final Report concerning remediation of site soil and surface water contaminated with diesel fuel, hydraulic oil and used motor oil. The Final Report intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environ-

mental 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:

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

Fruitville Business Park, 1570 Fruitville Pike, Lancaster, PA 17608, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602, submitted a Remedial Investigation Report concerning remediation for site soils and groundwater contaminated with metals, VOCs, SVOCs and PCBs. The Remedial Investigation Report was approved by the Department on November 28, 2012. The site is being remediated to meet the Site-Specific standard.

Route 41 Diner, 42 Route 41, Gap, PA 17527, Sadsbury Township, **Lancaster County**. Hafer Environmental Services, PO Box 4418, Reading, PA 19606, on behalf of the Estate of A. Charles Artinian, 725 Street Road, Cochranville, PA 19330, submitted a Remedial Investigation Report for site soils and groundwater contaminated with gasoline. The Report was approved by the Department on November 29, 2012. The site is being remediated to meet the Site-Specific standard.

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

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 the remediation of site soil contaminated with Arsenic, Iron, and Manganese. The Cleanup Plan was approved by the Department on November 29, 2012.

Alice T. Sprankle No. 2, Perry Township, **Jefferson 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 submitted a Final Report concerning the remediation of site soil contaminated with Hexane, Xylene (total), Benzene, Toluene, Ethylbenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Cyclohexane, Barium, Manganese, Selenium, Boron, and Zinc. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 30, 2012.

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

Staiman Recycling Corp. Accident, Route 220 Northbound, Laporte Township, **Sullivan County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, Pa 18452 on behalf of Staiman Recycling, Inc., 201 Hepburn Street, Williamsport, Pa 17703 has submitted a Final Report concerning the remediation of site soil and surface water contaminated with diesel fuel, hydraulic oil and used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 9, 2012.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

PAD002312791. Honeywell Resins & Chemicals, LLC, 2501 Margaret Street, Philadelphia, PA 19137. A RCRA Hazardous Waste Part B permit renewal is issued to continue operation at the Honeywell Resins & Chemicals, LLC Facility—Frankford Plant, also, to approve the Class 1 modification application for transfer of ownership from Sunoco, Inc. (R&M) to Honeywell Resins and Chemicals, LLC previously known as Sunoco, Inc. (R&M). The Honeywell Resins & Chemicals, LLC Facility is an existing facility located at 2501 Margaret Street, Philadelphia, PA 19137 in the City of Philadelphia. Permit was issued by the Southeast Regional Office on November 7, 2012.

Draft permit issued under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

PAD049791098. Sunoco, Inc. (R & M), 3144 Passyunk Avenue, Philadelphia, PA 19145-5299. Draft permit prepared for the renewal and modification of the RCRA Part B permit at Sunoco, Inc. (R & M)—Philadelphia Refinery Plant, located at 3144 Passyunk Avenue in the City of Philadelphia, **Philadelphia County**. The draft

permit consolidates the management and/or storage of hazardous wastes at the Girard Point Processing Area, Point Breeze Processing Area and Schuylkill River Tank Farm, henceforth collectively to be known as the Philadelphia Refinery, under the single EPA ID No. PAD049791098. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit issued on October 9, 2012.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications renewed Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) 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. 101606. Kline's Services, Inc., located in East Hempfield Township, **Lancaster County**. The Department has reviewed the above referenced application for permit renewal in order to determine whether it contains the information, maps, fees, and other documents necessary to be considered administratively complete. Please be advised that the application has been determined to be administratively complete.

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

58-399-052GP5: Susquehanna Gathering Co. I, LLC (PO Box 839, 1299 Oliver Road, New Milford, PA 18834) on November 15, 2012, to construct and operate a Natural Gas Compressor Facility at their site in New Milford Township, **Susquehanna County**.

58-399-053GP5: Susquehanna Gathering Co. I, LLC (PO Box 839, 1299 Oliver Road, New Milford, PA 18834) on November 15, 2012, to construct and operate a Natural Gas Compressor Facility at their site in Harford 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 William Weaver, Program Manager—Telephone: 717-705-4702.

GP3-67-05098F: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on November 29, 2012, for portable nonmetallic mineral processing equipment, under GP3, at their Penroc Quarry in West Manchester Township, **York County**.

GP9-67-05098F: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on November 29, 2012, for six (6) diesel fired internal combustion engines, under GP9, to power portable nonmetallic mineral processing equipment, at their Penroc Quarry in West Manchester Township, **York County**.

GP1-36-03193: Lancaster Leaf Tobacco Co. of PA, Inc. (207 Pitney Road, Lancaster, PA 17601) on November 27, 2012, for two (2) natural gas-fired boilers, under GP1, at their North Water Street facility in the City of Lancaster, **Lancaster County**.

GP4-21-03083: Coating Concepts, LLC (405 North East Street, Carlisle, PA 17013) on November 27, 2012 for a burn-off oven, under GP4, at their powder coating facility in the Borough of Carlisle, **Cumberland County**. The general permit authorization was renewed.

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.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

36-03101B: Wenger's Feed Mill, Inc. (101 W Harrisburg Avenue, Rheems, PA 17570) on November 27, 2012, to replace two (2) baghouses with a single larger baghouse, at their poultry and dairy feed processing facility in West Hempfield Township, **Lancaster County**.

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, St Marys, PA 15857) on November 27, 2012, to replace two (2) control devices used in the chemical vapor deposition process under Plan Approval 24-131Q for their facility in the City of St Marys, **Elk 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

09-0192: Waste Management of PA, Inc. (1000 New Ford Mill Road, Morristown, PA 19067) on November 28, 2012, to operate a bulk handling facility to unload materials from cargo ships in Falls Township, **Bucks County**.

23-0038D: Delaware County Regional Water Quality Control Authority (P. O. Box 999, Chester, PA 19016) on November 28, 2012, to operate the replacement burners in the sewage sludge incinerators in City of Chester Township, **Delaware County**.

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

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

41-00080A: PVR NEPA Gas Gathering, LLC. (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on November 28, 2012, to extend the authorization for the construction of two natural-gas-fired compressor engines each equipped with oxidation catalysts at the Canoe Run Compressor Station in Mifflin Township, **Lycoming County** to June 1, 2013. The plan approval has been extended.

41-00079A: Eureka Resources, LLC (454 Pine Street, Williamsport, PA 17701) on November 25, 2012, to extend the authorization to operate a gas well water treatment operation at their facility in Williamsport, **Lycoming County** on a temporary basis to May 24, 2013. The plan approval has been extended.

59-00017C: Hitachi Metals Automotive Components USA, LLC (18986 Route 287, Tioga, PA 16946) on November 12, 2012, to extend the authorization to operate an iron foundry at their facility in Lawrence Township, **Tioga County** on a temporary basis to May 11, 2013. The plan approval has been extended.

14-00016A: Penns Valley Area School District (4528 Penns Valley Road, Spring Mills, PA 16875) on November 30, 2012, to extend the authorization for the construction of a wood-fired boiler at their facility in Penn Township, **Centre County** to May 30, 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

30-00208A: Border Energy LLC (308 Dents Run Road Morgantown, WV 26501) on November 30, 2012, to modify the Plan Approval to initiate the period of temporary operation and to change the company name for their coal briquette manufacturing project at the Robena Pond No. 6 site in Monongahela Township, **Greene County**.

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

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

37-331A: RWE Holding Co.—West Pittsburgh Plant (535 Rundle Road, New Castle, PA 16101) on November 30, 2012, to issue an extension for post-construction of a slag handling, anti-skid mining, coke screening, bulk carbon loading and graphite drying operation. This facility is located in Taylor Township, **Lawrence County**.

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

23-00041: Monroe Interstate Pipeline Co (920 Cherry Tree Road, Aston, PA 19014) on November 28, 2012, for renewal of the Title V Operating Permit for their Chelsea Tank Farm, a pipeline breakout station for refined petroleum products in Upper Chichester Township, **Delaware County**. With this renewal, the Operating Permit will also be administratively amended to reflect changes in ownership from Monroe Energy LLC and Phillips 66 Co.

The Chelsea Tank Farm is a major facility for volatile organic compounds (VOC) emissions with a potential to emit 47.5 tons per year (12 month rolling sum). The facility is a minor source for hazardous air pollutants (HAPs) with a potential to emit of 6.08 tons/year, also on a 12-month rolling basis. The Chelsea Tank Farm comprises eleven (11) storage tanks, pumping stations and pipelines. Minor sources at the facility include an office heater (0.145 MMBtu/hr boiler), an emergency generator (150 kW) and a groundwater and soil remediation system, with emissions controlled by carbon beds and a catalytic oxidizer.

Regulations promulgated since the last time the Operating Permit was renewed, are included in this issuance. These regulations include the following Subparts from 40 CFR Part 63: Subpart BBBBBB, the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities; Subpart JJJJJJ, NESHAPs for Industrial, Commercial, and Institutional Boilers Area Sources; and Subpart ZZZZ, NESHAPs for Stationary Reciprocating Internal Combustion Engines. Upon final approval, the permit will be renewed for a period of five (5) years.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507

35-00004: Cascades Tissue Group PA, Inc. (901 Sathers Drive, Pittston, PA 18640-9589) on November 29, 2012, for a tissue—paper products facility in Ransom Township, **Lackawanna County**.

54-00009: Omnova Solutions, Inc. (95 Hickory Drive, Auburn, PA 17922) on November 29, 2012, for a decorative building products facility in West Brunswick Township, **Schuylkill County**.

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

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

30-00099: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) to authorize the continued operation of the Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.431, the Department of Environmental Protection (DEP) is providing notice that on November 30, 2012, DEP has issued a renewal Title V Operating Permit and an Acid Rain Permit to Allegheny Energy Supply Company, LLC to authorize the continued operation of the Hatfield's Ferry Power Station located in Monongahela Township, Greene County.

The facility consists of three pulverized coal-fired electric generating units, rated at 592 megawatts each. All three units are equipped with electrostatic precipitators for particulate control. Unit #1 is equipped with a rotating over-fired air (ROFA) system coupled with a Rotamix system (proprietary technology for the injection of ammonia). Units #2 and #3 are equipped with natural gas reburn (NGR) systems. In addition, the installation of Flue Gas Desulfurization (FGD) systems in 2009 has greatly reduced SO₂ and PM₁₀ emissions from all three units at the station. Supporting equipment at this facility includes coal, limestone and gypsum processing and handling equipment, emergency diesel engines, anhydrous ammonia storage tanks and space heaters.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and PA Code Title 25, Article III, Chapters 121 through 145.

04-00446: AES Beaver Valley LLC (394 Frankfort Road, Monaca, PA 15061) on November 19, 2012, to issue a renewal Title V Operating Permit to authorize the continued operation of their facility in Potter Township, **Beaver County**.

In accordance with 25 Pa. Code §§ 127.431, the Department of Environmental Protection (DEP) is providing notice that on November 19, 2012 DEP has issued a renewal Title V Operating Permit to AES Beaver Valley LLC to authorize the continued operation of the facility located in Potter Township, Beaver County.

The facility consists of four, coal-fired electric generating units (EGUs), three units rated at 40 megawatts and one unit rated at 20 megawatts, material storage and handling equipment and other smaller sources. Each EGU is equipped with an electrostatic precipitator and a wet scrubber. Other equipment at this facility includes material storage and handling systems, space heaters and other smaller sources.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and Pa. Code Title 25, Article III, Chapters 121 through 145.

63-00016: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on November 30, 2012, to issue a renewal Title V Operating Permit and an Acid Rain Permit to authorize the continued operation of the Mitchell Power Station, located in Union Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.431, the Department of Environmental Protection (DEP) is providing notice that on November 30, 2012 DEP has issued a renewal Title V Operating Permit and an Acid Rain Permit to Allegheny Energy Supply Company, LLC to authorize the continued operation of the Mitchell Power Station, located in Union Township, Washington County.

The facility contains air contamination sources with the main sources consisting of one 2,988 MMBtu/hour, pulverized coal-fired boiler (288-MW electrical output) and three 841 MMBtu/hour oil-fired boilers (82-MW total electrical output). Emissions from the coal-fired boiler are controlled by electrostatic precipitators and a lime reagent wet scrubber system. Supporting equipment at this site

includes two auxiliary boilers, rated at 27 MMBtu/hr fuel heat input capacity, one 850-bhp emergency diesel generator engine, three lime storage silos, No. 2 fuel oil storage tanks, 23 kerosene fired space heaters, a barge unloading system, lime vacuum conveying system, and waste water treatment system.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and Pa. Code Title 25, Article III, Chapters 121 through 145.

65-00622: General Carbide Corporation (1151 Garden Street, Greensburg, PA 15601) on December 3, 2012, to issue a Title V Operating Permit Renewal to General Carbide to authorize the continued operation of the carbide manufacturing facility in Hempfield Township, **Westmoreland County**.

The carbide manufacturing process consists of a powder preparation area, ball mills, dryers, ISO presser area, final fitz mill, crusher, CT-15 high pressure boiler (rated at 0.5 mmbtu/hr), Ajax low pressure boiler (rated at 0.6 mmbtu/hr), condensers, cooling tower, and various baghouses. The shaping operations include hydraulic pressing and furnaces, numerous lathes, grinders, mills, saws and presses. Each piece of shaping equipment has a Torit dust collector that exhaust to one of two large baghouses. This facility's potential to emit VOC is 124 tons/yr. The TVOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

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

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

27-00015: Kinder Morgan, Inc. (1001 Louisiana Street, Houston TX 77002) on November 27, 2012, issued an administrative amendment to the Title V Operating Permit for the Tennessee Gas Pipeline Company LLC to incorporate the change of ownership, responsible official, and permit contact for the compressor station 307 located in Howe Township, **Forest County**.

43-00272: Kinder Morgan, Inc. (1001 Louisiana Street, Houston TX 77002) on November 27, 2012, issued an administrative amendment to the Title V Operating Permit for the Tennessee Gas Pipeline Company LLC to incorporate the change of ownership, responsible official, and permit contact for the compressor station 219 located in Jefferson 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.

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

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

48-00084: Michelman—Cancellirere Iron Works, Inc. (P. O. Box 20431, Lehigh Valley, PA 18002-0431) on November 30, 2012, to renew a State-only Synthetic Minor Operating Permit to operate a spray booth and its associated accessories in East Allen Township, **Northampton County**. The renewed Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice

standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

50-03003: Newport School District (PO Box 9, Newport, PA 17074-0009) on November 28, 2012, for their coal-fired boilers at the Newport Elementary School in Newport Borough, **Perry County**. The State-only permit was renewed.

67-05074: Bituminous Paving Materials (1300 Zinns Quarry Road, York, PA 17404-3553) on November 28, 2012, for their batch asphalt paving materials and aggregate storage and handling facility in West Manchester Township, **York County**. The State-only permit was renewed.

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

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

41-00011: John Savoy & Son, Inc. (PO Box 248, Montoursville, PA 17754-0248) on December 3, 2012, to issue a state only operating perming for their facility in Montoursville Borough, **Lycoming County**. The facility's main sources include six (6) spray coating booths, three (3) UV roll coaters, one (1) glue spreader, various wood-working operations, and several small natural gas-fired space heaters. The facility has the potential to emit all criteria pollutants below the major emission thresholds. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

10-00333: Penn United Technology, Inc. (799 North Pike Road, Cabot, PA 16023) on November 28, 2012, for a Natural Minor Permit to operate a special die and tool, die set, jig and fixture manufacturing facility in Jefferson Township, **Butler County**. The updated emitting sources are, 1) Small boilers (6), 2) Batch vapor degreaser, 3) Cold cleaning degreasers (4) and, 4) Electroplating operation. The emission of the pollutants from the facility is less than the Title V threshold limits. Thus the facility is natural minor. The potential emission of pollutants from the facility are, CO: 1.73 Tons per year (tpy), NO_x: 0.104 tpy; PM₁₀: 0.152 tpy; PM-2.5: 0.007 tpy; SO_x: 0.016 tpy, VOC: 10.847 tpy, Lead: 0.0134 tpy and NH₃: 0.065 tpy.

20-00256: Northwest Hardwoods, Inc.—Titusville Mill Plant (11117 Skyline Drive, Titusville, PA 16354-1375) on November 27, 2012, for renewal of their Natural Minor Permit to a hardwood dimension and flooring manufacturing facility. The facility's emitting sources included, 1) Miscellaneous Natural Gas Combustion, 2) Miscellaneous woodworking operations, 3) Loading trailer, with sawdust and, 4) Degreaser unit. The facility is

located in Oil Creek Township, **Crawford County**. The emissions from the facility are less than the Title V threshold limits. Thus, the facility is natural minor. The potential emissions from the facility are PM-10: 6.31 Tons per year (TPY), SO_x: 0.001752 TPY, NO_x: 0.28 TPY, CO: 0.16 TPY and VOC: 0.066 TPY.

37-00218: Young Galvanizing (PO Box 334, Pulaski, PA 16143-0334) on November 26, 2012, issued the renewal of the State Only Operating Permit for their metal galvanizing operations 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 facility also had a small gasoline powered generator subject to 40 CFR 63, Subpart ZZZZ. 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.

61-00200: Webco Industries—Tube Division (363 Seneca Street, Oil City, PA 16301-1311) on November 28, 2012, issued the renewal of the State Only Operating Permit for the steel pipe and tube manufacturing operations in Oil City, **Venango County**. The facility is a Natural Minor. The primary sources at the facility include two larger space heaters (8 mmbtu/hr each), a radiant tube furnace, a gas generator, parts washers, two emergency generators, a cold draw lube tank, an induction line electric furnace and space heaters (less than 2.5 mmbtu/hr). The potential emissions from the facility are less than the following: 13 TPY NO_x; 13 TPY CO; 1.2 TPY PM; 0.1 TPY SO_x; and 2.9 TPY VOC. The emergency engines are subject to 40 CFR 63 Subpart ZZZZ pertaining to NESHAPs for Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-05033: Gichner Systems Group, Inc. (490 East Locust Street, PO Box 481, Dallastown, PA 17313) on November 26, 2012, for their metal shelter production and repair facility in York Township, **York County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 67-05033A.

36-05015 Dart Container Corp. of PA (60 E Main Street, PO Box 546, Leola, PA 17540-1940) on November 26, 2012, for their expandable polystyrene container manufacturing facility in Upper Leacock Township, **Lancaster County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 36-05015D.

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

11051301 and NPDES No. PA0235652. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To renew the permit for the Cresson Mine in Cresson, Allegheny, and Munster Townships, Cresson and Sankertown Boroughs, **Cambria County** and related NPDES permit. Site is non-activated. No additional discharges. The application was considered administratively complete on November 7, 2012. Application received: June 8, 2012. Permit issued: November 30, 2012.

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

56120108 and NPDES No. PA0269018. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface and auger mine in Paint and Adams Townships, **Somerset and Cambria Counties**, affecting 163.9 acres. Receiving stream(s): UTS to/and Paint Creek and Stonycreek River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2012. Permit issued: November 27, 2012.

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

33850118. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Revision to an existing bituminous surface mine to add auger mining in Winslow Township, **Jefferson County**. Receiving streams: Three unnamed tributaries of Soldier Run. Application received: September 4, 2012. Permit Issued: November 27, 2012.

1192-33850118-E-1. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to affect within the barrier and construct a haul road crossing over unnamed tributary B to Soldier Run in Winslow Township, **Jefferson County**. Receiving streams: Unnamed tributary to Soldier Run. Application Received: September 4, 2012. Permit Issued: November 27, 2012.

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

17060110 and NPDES No. PA0256421. Bell Resources, Inc. (1340 Hoyt Ave, Curwensville, PA 16833). Renewal of an existing bituminous surface mine located in Bloom and Penn Townships, **Clearfield County** affecting 361.9 acres. Receiving streams: Unnamed Tributaries to Bell Run and Bell Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 2, 2011. Permit issued: November 16, 2012.

Noncoal Applications Returned

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

42090807. Joseph E. Johnson (396 Newell Creek Road, Eldred, PA 16731) Commencement, operation and restoration of a small industrial minerals mine in Annin Township, **McKean County** affecting 5.0 acres. Receiving streams: Newell Creek. Application received: December 8, 2009. Application returned: November 29, 2012.

42090806. Joseph E. Johnson (396 Newell Creek Road, Eldred, PA 16731) Commencement, operation and restoration of a small industrial minerals mine in Annin & Ceres Townships, **McKean County** affecting 5.0 acres. Receiving streams: Newell Creek. Application received: December 8, 2009. Application returned: November 29, 2012.

Noncoal Permits Actions

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

32090301 and NPDES No. PA0262820. Penn Run Quarry, 456 Weston Run Road, Penn Run, PA 15765, commencement, operation and restoration of a large noncoal surface mine in Cherryhill Township, **Indiana County**, affecting 51.1 acres. Receiving stream(s): two UNTS to Penn Run and an UNT to Rose Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 22, 2009. Permit issued: November 27, 2012.

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

43120802. Roger Hoffman (22 McMillan Road, Mercer, PA 16137) Commencement, operation and restoration of a small industrial minerals mine in Findley Township, **Mercer County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Coolspring Creek. Application received: September 24, 2012. Permit Issued: November 21, 2012.

25122805. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412) Commencement, operation, and restoration of a small industrial minerals mine in Le Boeuf Township, **Erie County** affecting 5.0 acres. Receiving streams: French Creek. Application received: September 12, 2012. Permit issued: November 26, 2012.

25122805-GP-104. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 25122805 in Le Boeuf Township, **Erie County**. Application received: September 12, 2012. Permit issued: November 26, 2012.

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

58120802. C. Thomas Chilewski, Jr., (P. O. Box 88, Susquehanna, PA 18847), commencement, operation and

restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Drinker Creek. Application received: January 23, 2012. Permit issued: November 27, 2012.

58120802GP104. C. Thomas Chilewski, Jr. (P. O. Box 88, Susquehanna, PA 18847), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58120802 in Oakland Township, **Susquehanna County**, receiving stream: Drinker Creek. Application received: January 23, 2012. Permit issued: November 27, 2012.

66112801. Ranwood, Inc., (P. O. Box 322, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 5.0 acres, receiving stream: Susquehanna River. Application received: August 23, 2011. Permit issued: November 29, 2012.

66112801GP104. Ranwood, Inc., (P. O. Box 322, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66112801 in Braintrim Township, **Wyoming County**, receiving stream: Susquehanna River. Application received: August 23, 2011. Permit issued: November 29, 2012.

66122801. Ranwood, Inc., (P. O. Box 322, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Braintrim Township, **Wyoming County** affecting 5.0 acres, receiving stream: Susquehanna River. Application received: January 9, 2012. Permit issued: November 29, 2012.

66122801GP104. Ranwood, Inc., (P. O. Box 322, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66122801 in Braintrim Township, **Wyoming County**, receiving stream: Susquehanna River. Application received: January 9, 2012. Permit issued: November 29, 2012.

ABANDONED MINE RECLAMATION PROJECT

Greensburg District Mining Office: 8205 Route 819, Greensburg PA 15601, Telephone (724) 925-5538

Bond Forfeiture Reclamation Project: PBF 63841306.1 Location: Carroll, North Strabane, Nottingham and Union Townships, Washington County

Description: Mathies Mine, Mon View Mining Company Contractor: Canestrone Environmental Control Corp., P. O. Box 234, Belle Vernon, PA 15012-0234

Amount: \$229,908.20

Date of Award: November 19, 2012

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

08124004. Brainard Explosives LLC (3978 SR 2073, Kingsley, PA 18826-0980). Blasting for construction of a gas well pad located in Overton Township, **Bradford County**. Permit issued: November 14, 2012. Permit expires: April 30, 2013.

08124157. Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630). Blasting for construction of gas well pad and entrance road located in Stevens Township, **Bradford County**. Permit issued: November 27, 2012. Permit expires: March 31, 2013.

08124158. Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630). Blasting for gas well pad and access road located in Stevens Township, **Bradford County**. Permit issued: November 27, 2012. Permit expires: March 31, 2013.

17124003. Geokinetics (P. O. Box 44, Brockway, PA 15824). Blasting for seismic exploration located in Sandy Township, **Clearfield County** also Washington and Snyder Townships, **Jefferson County**. Permit issued: November 20, 2012. Permit expires: November 30, 2013.

41124010. Demtech LLC (2500 Noah Drive, Saxonburg, PA 16056). Blasting for bridge demolition located in Duboistown Township and Williamsport Borough, **Lycoming County**. Permit issued: November 13, 2012. Permit expires: February 28, 2013.

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

58124196. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Southwest 9 Highland Road Pad and Road in New Milford Township, **Susquehanna County** with an expiration date of March 15, 2013. Permit issued: November 28, 2012.

06124116. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Meadow Brook Development in Maiden Creek Township, **Berks County** with an expiration date of November 28, 2013. Permit issued: November 29, 2012.

06124117. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Pet Smart in Bethel Township, **Berks County** with an expiration date of November 28, 2013. Permit issued: November 29, 2012.

06124118. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Pet Smart in Bethel Township, **Berks County** with an expiration date of November 28, 2013. Permit issued: November 29, 2012.

36124165. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Autumn Hills in Ephrata Township, **Lancaster County** with an expiration date of November 30, 2013. Permit issued: November 29, 2012.

40124121. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for Beacon Power in Hazle Township, **Luzerne County** with an expiration date of November 14, 2013. Permit issued: November 29, 2012.

40124122. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a single dwelling in Bear Creek Township, **Luzerne County** with an expiration date of November 19, 2013. Permit issued: November 29, 2012.

58124195. Wampum Hardware Company, (2856 Stoystown Road, Friedens, PA 15541), construction blasting for Trumbull Well Pad in Choconut Township, **Susquehanna County** with an expiration date of December 31, 2012. Permit issued: November 29, 2012.

64124106. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Susquehanna Roseland 500k V T Line in Lake, South

Canaan and Palmyra Townships, **Wayne and Pike County** with an expiration date of December 14, 2014. Permit issued: November 29, 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

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

E14-548. Paul S. Roberts, PO Box 37, Julian, PA 16844-0037. Steele Hollow Bridge, in Huston Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 40°51'23.26"; W: -78°01'21.48").

To 1) remove an existing 4 feet high by 20-foot wide by 30 linear feet of concrete ford, 2) construct and maintain

a 16-foot clear span by 12-foot wide by 2-foot underclearance glulam wooded bridge on concrete abutments with associated 1-foot high stone approach ramps to cross Steele Hollow Run to access a private homestead located 1.9 miles up Steele Hollow Road from SR 220 in Huston Township, Centre County (Port Matilda, PA Quadrangle N: 40°51'23.26"; W: -78°01'21.48"). This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

To construct and maintain a 30-foot long 112-inch by 75-inch squash pipe depressed 1-foot into the streambed of Campbell Run that cuts through an eroded breast of an old dam and covered with clean fill to create a stable road crossing for a timbering operation located at (Jersey Mills, PA Quadrangle N: 41°18'51.7; W: -77°29'32.4") in Gallagher Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-479. Brian W. Stetts & Jessica B. Stetts, 796 Shadle Road, Jersey Shore, PA 17740. 29 Main Street

Shed, Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41°06'19.7"; W: -77°29'10.7").

To construct and maintain a 6-foot by 8-foot wooden storage shed to replace a pre-existing shed, a skim coat of gravel over a 33-foot by 60-foot gravel parking area, and a 90-foot by 3-foot gravel sidewalk in a grass lawn located 100 feet north on Centre Alley from its intersection with Bressler Alley. This permit was issued under Section 105.13(e) "Small Projects."

E41-629. West Branch Regional Authority, 35 South Main Street, Montgomery, PA 17752-1120. Wastewater treatment plant and collection system project in Clinton and Muncy Creek Townships and Muncy and Montgomery Boroughs, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle Latitude: 41° 10' 59.23"; Longitude: 76° 50' 16.47").

The Department is giving the applicant consent to construct, operate and maintain 27,670-feet of force main pipeline and one outfall pipe associated with the proposed wastewater treatment plant requiring encroachment of the following of three (3) wetlands and eight (8) stream crossings:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
Crossing #1	Pipeline Crossing	Wetland to Black Hole Creek	TSF	41° 10' 01"	76° 52' 37"
Crossing #2	Pipeline Crossing	Black Hole Creek	TSF	41° 10' 05"	76° 52' 32"
Crossing #3	Pipeline Crossing	Wetland to Unnamed Tributary to West Branch Susquehanna River	WWF	41° 10' 36"	76° 51' 33"
Crossing #4	Pipeline Crossing	Unnamed Tributary to West Branch Susquehanna River	WWF	41° 10' 36"	76° 51' 31"
Crossing #5	Pipeline Crossing	Unnamed Tributary to West Branch Susquehanna River	WWF	41° 11' 03"	76° 50' 13"
Crossing #6	Pipeline Crossing	Turkey Run	WWF	41° 11' 41"	76° 49' 29"
Crossing #7	Pipeline Crossing	Unnamed Tributary to West Branch Susquehanna River	WWF	41° 12' 07"	76° 48' 48"
Crossing #8	Pipeline Crossing	Wetland to Unnamed Tributary to West Branch Susquehanna River	WWF	41° 12' 08"	76° 48' 46"
Crossing #9	Pipeline Crossing	Unnamed Tributary to West Branch Susquehanna River	WWF	41° 12' 08"	76° 48' 45"

Permit ID	Activity	Resource	Water Quality	Latitude	Longitude
Crossing #10	Pipeline Crossing	West Branch Susquehanna River	WWF	41° 12' 18"	76° 48' 09"
Crossing #11	Outfall	West Branch Susquehanna River	WWF	41° 12' 18"	76° 48' 09"

Construction of the force mains and outfall shall be accomplished via open cut crossing methods. The project will result in 950.5 linear feet of temporary stream impacts, 0.13 acre of temporary wetland impacts and 0.05 acre of permanent wetland impacts. Mitigation at a 3:1 ratio is proposed for the permanent wetland impacts. The project is located along the southern right-of-way of SR 405 between the Boroughs of Muncy and Montgomery.

E49-321. PA Department of Conservation and Natural Resources, PO Box 8451, Harrisburg, PA 17105-8451. Shikellamy State Park Marina Building, in Upper Augusta Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle Latitude: 40°52'53.76"; Longitude: 76°47'40").

To construct, operate and maintain a renovation project; whereby, a 1300 square foot addition will be constructed to an existing building to facilitate The Susquehanna River Heartland Coalition for Environmental Studies office locations. Minor grading changes in the floodway/floodplain are required to facilitate new at grade walkways and will result in no direct change in flood profiles. This project is located at the downstream tip of Packers Island at the confluence of the West Branch and North Branch of the Susquehanna River. This permit was issued under Section 105.13(e) "Small Projects."

E49-325. Joseph P. and Cynthia M. Kopyscianski, 1000 North Front Street, Milton, PA 17847. Kopyscianski Shed, in Milton Borough, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle Latitude: 41°1'54.6"; Longitude: 76°51'20.9").

To operate and maintain a 10 foot wide by 14 foot long by 8 foot high wooden shed structure in the floodway of the Susquehanna River. This structure will take up 140 square feet of the floodway and will meet all the municipal requirements for structures in the floodway. This project is located at 1000 North Front Street in Milton, PA. This permit was issued under Section 105.13(e) "Small Projects."

E59-515. Erica A. Butler, 4161 Baldwin Run Road, Wellsboro, PA 16901-7706. Butler Access Road Project, Delmar Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Latitude: 41° 47' 52.4"; Longitude: 77° 18' 35.5").

This permit gives consent to construct, operate and maintain a single span bridge to carry a private access road across Baldwin Run. The private bridge shall be constructed with a minimum clear single span having 24-feet, width of 14-feet and underclearance of 4.4-feet. Construction of the in-stream bridge footings and abutments shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. The project is located along the northeastern right-of-way of Baldwin Run Road (T-531) approximately 2500-feet northwest of SR 0287 and T-531 intersection.

E60-212. Union County Commissioners, 155 North 15th Street, Lewisburg, PA 17837. Bridge # 14, 3rd Street

Bridge, in Borough of Mifflinburg, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 40°55'33"; W: -77°02'47").

To: 1) remove an existing 55-foot clear span steel bridge with stone abutments and wingwalls, 2) remove an existing concrete culvert in the left approach fill of the bridge, 3) turn and shorten an unnamed tributary by 68 linear feet as a result of removing the culvert, 4) construct and maintain a 70-foot clear span concrete box beam bridge with a minimum underclearance of 5-foot 8-inches, concrete wingwalls and improve the roadway sight distance by adding 2,775 cubic yards of clean fill to the 100-year floodway of Buffalo Creek.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.

E33-247. PA Department of Transportation, District 10-0, P. O. Box 429, Indiana, PA 15701 in Washington Township, **Jefferson County**, ACOE Pittsburgh District

To remove the existing concrete t-beam bridge and construct and maintain a 55.2 foot single normal clear span steel beam bridge on a 70° skew with a vertical underclearance of 7.0 ft and an out to out width of 39.4 feet along SR 0830 Segment 0210 offset 0012 across Beaverdam Run (HQ-CWF) permanently filling 0.099 acre of palustrine emergent (PEM) wetland and 0.022 acre of palustrine scrub shrub (PSS) wetland, approximately 1/5 mile west of Rockdale. The project includes deduction of 0.121 acre from PA Department of Transportation's Dubois—Jefferson Advanced Wetland Mitigation Bank. (Falls Creek, PA Quadrangle N: 41°, 10', 37.0"; W: -78°, 50', 42.0").

E42-359. Hancock Forest Management, 202 East Main St., P. O. Box 3304, Smethport, PA 16749 in Norwich Township, **McKean County**, ACOE Pittsburgh District

To repair, operate and maintain an existing five-foot wide ford crossing of Colegrove Brook with an upstream to downstream length of roughly ten-feet. (Norwich, PA Quadrangle N: 41°, 42', 29"; W: 78°, 21', 06").

E43-356. City of Hermitage, 800 North Hermitage Road, Hermitage, PA 16148 in the City of Hermitage, **Mercer County**. ACOE Pittsburgh District

To construct and maintain approximately 1500 feet of stream restoration within West Branch Pine Hollow Run (Indian Run) (WWF) for the purposes of streambank stabilization, establishment of floodplains, prevention of bank scour, debris removal, and establishment of a thalweg. The stream restoration consists of the installation of cross vanes, sawtooth deflector, boulder wall, rock and wood bank protection, and converging rock cluster beginning at the Sunset Boulevard crossing and ending approximately 200 feet upstream of the Easton Road crossing (Sharon East, PA Quadrangle N: 41°, 13', 49.7"; W: -80°, 26', 26")

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

E4129-045: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Anthony & Mifflin Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. one 8 inch natural gas pipeline impacting 2 linear feet of an unnamed tributary to Larrys Creek (EV, MF) and 17 square feet of adjacent palustrine forested (PFO) wetland (Salladasburg Quadrangle 41°18'50"N 77°11'45"W);
2. one 8 inch natural gas pipeline impacting 60 linear feet of Larrys Creek (EV, MF) (Salladasburg Quadrangle 41°18'51"N 77°11'42"W);
3. one 8 inch natural gas pipeline impacting 5 linear feet of an unnamed tributary to Larrys Creek (EV, MF) (Salladasburg Quadrangle 41°18'49"N 77°11'39"W);
4. one 8 inch natural gas pipeline and a temporary mat bridge impacting 10822 square feet of palustrine emergent (PEM) wetland (Salladasburg Quadrangle 41°19'02"N 77°10'35"W).

The project will result in 67 linear feet of stream impacts and 0.25 acre of wetland impacts, all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

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 lineal 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 1,389 linear foot access road for the Hare Ridge well site. No wetlands are associated with this project.

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

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

1. 3,950 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Pen-field, PA Quadrangle, Latitude: N41°08'54.93", Longitude: W78°34'30.49");
2. 42.0 linear feet of Anderson Creek (HQ-CWF, MF), 11,000 square feet of Exceptional Value (EV) Palustrine Emergent(PEM) Wetlands, and 2,600 square feet of Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and a temporary road crossing (Penfield, PA Quadrangle, Latitude: N41°08'50.50", Longitude: W78°34'29.64");

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

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

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

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

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

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

DAM SAFETY

Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

[Permit # 95-7-37312-17]. CNX Gas Company LLC, 200 Evergreene Drive, Waynesburg, PA 15370.

Project proposes to construct, operate and maintain the NV North #1 Centralized Pit, a 5.2 million gallon capacity centralized wastewater impoundment, to collect, store and reuse fracturing fluids from MOR-10-ASH: Permit No. 37-059-25421-D and other permitted wells in the area (PA Quadrangle; Prosperity, (Latitude N 40° 04'28.21", Longitude -80° 18'09.83") South Franklin Township, Washington County, Pittsburgh ACOE District, State Water Plan Basin 19B Tenmile Creek.

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 # ESX12-115-0122 (01)
 Applicant Name Williams Field Services Company, LLC
 Contact: Person Tom Page
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108
 County Susquehanna County
 Township(s) Bridgewater Township
 Receiving Stream(s) and Classification(s) UNTs to Meshoppen Creek (CWF/MF), UNTs to Pettis Creek (WWF/MF);
 Secondary: Meshoppen (CWF/MF) and Pettis Creeks (WWF/MF)

ESCGP-1 # ESX12-113-0037
 Applicant Name Appalachia Midstream Services, LLC
 Contact: Person Greg Floerke
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan County
 Township(s) Fox Township
 Receiving Stream(s) and Classification(s) Susquehanna River Watershed: Trib 30422 and 30423 to Schrader Creek, Hoagland Branch, Trib 20765 to Rock Run, Trib 20079 and 20081 to Fall Run and Fall Run (All EV/MF)

ESCGP-1 # ESX12-015-0212
 Applicant Name EOG Resources, Inc.
 Contact: Person Jon Jorgenson
 Address 2039 South Sixth Street
 City, State, Zip Indiana, PA 15701
 County Bradford County
 Township(s) Springfield Township
 Receiving Stream(s) and Classification(s) Mill Creek;
 Secondary: Sugar Creek (other)

ESCGP-1 # ESX12-081-0149
 Applicant Name PVR Marcellus Gas Gathering, LLC
 Contact: Person Kevin Roberts
 Address 25 West Third Street, 100 Penn Tower, Suites 201-202
 City, State, Zip Williamsport, PA 17745
 County Lycoming County
 Township(s) Lewis Township
 Receiving Stream(s) and Classification(s) Trout Run and Wolf Run (HQ/CWF)

ESCGP-1 # ESX12-113-0040
 Applicant Name Appalachia Midstream Services, LLC
 Contact: Person Greg Floerke
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan County
 Township(s) Elkland Township
 Receiving Stream(s) and Classification(s) Kings Creek, 3 UNTs to Kings Creek, Blackwater Run, 2 UNTs to Blackwater Run (All EV);
 Secondary: Blackwater Run (EV)

ESCGP-1 # ESX12-015-0213
 Applicant Name Talisman Energy USA, Inc.
 Contact: Person Tracy Gregory

Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Windham and Warren Townships
 Receiving Stream(s) and Classification(s) Prince Hollow Run, Babcock Run, and UNTs to Babcock Run (CWF/MF);
 Secondary: Prince Hollow Run

ESCGP-1 # ESX12-115-0193
 Applicant Name Cabot Oil & Gas Corporation
 Contact: Person Kenneth Marcum
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Brooklyn Township
 Receiving Stream(s) and Classification(s) UNT Martins Creek/Hop Bottom Creek (other)

ESCGP-1 # ESX12-117-0060
 Applicant Name SWEPI LP
 Contact: Person H. James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga County
 Township(s) Chatham and Middlebury Townships
 Receiving Stream(s) and Classification(s) Monks hollow, Crooked Creek (Both WWF);
 Secondary: Crooked Creek (WWF)

ESCGP-1 # ESX12-015-0023 (01)
 Applicant Name Talisman Energy USA, Inc.
 Contact: Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Warren and Windham Townships
 Receiving Stream(s) and Classification(s) Wappaseing Creek, Pendleton Creek (Both CWF/MF)

ESCGP-1 # ESX12-115-0131 (01)
 Applicant Name Williams Field Services Company, LLC
 Contact: Person Kristy Flavin
 Address 1605 Coraopolis Heights Road
 City, State, Zip Coraopolis, PA 15108-4310
 County Susquehanna County
 Township(s) Gibson Township
 Receiving Stream(s) and Classification(s) UNTs to Bell Creek (other)

ESCGP-1 # ESX12-015-0209
 Applicant Name Chesapeake Appalachia, LLC
 Contact: Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford County
 Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) UNT Ladds Creek (CWF);
 Secondary: South Branch Towanda Creek (CWF)

ESCGP-1 # ESX12-081-0148
 Applicant Name PVR Marcellus Gas Gathering, LLC
 Contact: Person Kevin Roberts
 Address 25 West Third Street, 100 Penn Tower Suite 201 & 202
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Cummings Township
 Receiving Stream(s) and Classification(s) First Fork Larry's Creek, Trib 21044 and 20145 to First Fork Larry's Creek, Jacobs Hollow (All EV/MF)

ESCGP-1 # ESX12-015-0046 (01)
 Applicant Name Talisman Energy USA, Inc.

Contact: Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Warren Township
Receiving Stream(s) and Classification(s) Corbin Creek,
Dewing Creek (CWF/MF)

ESCGP-1 # ESX09-081-0017 (01)
Applicant Name Range Resources—Appalachia, LLC
Contact: Person Mary Patton
Address 100 Throckmorton Street, Suite 1200
City, State, Zip Ft. Worth, TX 76102
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) Dog Run, Dam
Run (Both EV);
Secondary: Lycoming Creek (EV)

ESCGP-1 # ESX12-131-0032
Applicant Name Chesapeake Appalachia, LLC
Contact: Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Wyoming County
Township(s) Meshoppen Township
Receiving Stream(s) and Classification(s) Little Meshop-
pen Creek (CWF);
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX12-081-0093 (01)
Applicant Name Anadarko E&P Company, LP
Contact: Person Rane Wilson
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 18810
County Lycoming County
Township(s) Lewis & Gamble Townships
Receiving Stream(s) and Classification(s) Trib to Lycom-
ing Creek (HQ/CWF);
Secondary: Lycoming Creek (EV/MF)

ESCGP-1 # ESX12-113-0043
Applicant Name Appalachia Midstream Services, LLC
Contact: Person Greg Floerke
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Sullivan County
Township(s) Cherry Township
Receiving Stream(s) and Classification(s) Little Loyalsock
Creek, 2 UNTs to Little Loyalsock Creek, 5 UNTs to
Payne Run, Payne Run (All EV);
Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX12-015-0076 (01)
Applicant Name Appalachia Midstream Services, LLC
Contact: Person Greg Floerke
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Wilmot Township
Receiving Stream(s) and Classification(s) 2 UNTs to Pan-
ther Lick Creek (CWF);
Secondary: Panther Lick Creek (CWF)

ESCGP-1 # ESX12-081-0082 (01)
Applicant Name PVR Marcellus Gas Gathering, LLC
Contact: Person Kevin Roberts
Address 101 West Third Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Lewis & Cogan House Townships

Receiving Stream(s) and Classification(s) Hoagland,
Daugherty and Wolf Run & Associated Tributaries
(HQ);
Secondary: Lycoming Creek

ESCGP-1 # ESX12-115-0200
Applicant Name Cabot Oil & Gas Corp.
Contact: Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Dimock Township
Receiving Stream(s) and Classification(s) Stevens Creek,
UNT to Stevens Creek, UNTs to White Creek (All
CWF)

ESCGP-1 # ESX12-115-0154
Applicant Name WPX Energy Appalachia, LLC
Contact: Person David Freudenrich
Address 6000 Town Center Blvd., Suite 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Choconut Township
Receiving Stream(s) and Classification(s) UNTs to
Choconut Creek, Choconut Creek (WWF/MF);
Secondary: Susquehanna River

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-083-0075-Farmers Valley
Applicant Lake Erie Energy Partners LLC
Contact: Charles Lang
Address 2005 West 8th Street Suite 201
City Erie State PA Zip Code 16505
County Mckean Township(s) Keating(s)
Receiving Stream(s) and Classification(s) UNT to Potato
Creek (CWF) Potato Cr (WWF)

ESCGP-1 #ESX12-019-0165-Heasley Nursery Flowline
Applicant Mountain Gathering LLC
Contact: Dewey Chalos
Address 810 Houston Street
City Fort Worth State TX Zip Code 76102
County Butler Township(s) Summit(s)
Receiving Stream(s) and Classification(s) 2 UNT's to
Coal Run

ESCGP-1 #ESX12-019-0167-Waltman
Applicant XTO Energy Inc
Contact: Melissa Breitenbach
Address 502 Keystone Drive
City Warrandale State PA Zip Code 15086
County Butler Township(s) Donegal(s)
Receiving Stream(s) and Classification(s) Buffalo Creek,
HQ-CWF

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

7/20/12
ESCGP-1 No: ESX12-059-0037
Applicant Name: EQT GATHERING LLC
Contact: Person MS HANNA E MCCOY
Address: 625 LIBERTY AVENUE
City: PITTSBURGH State: PA Zip Code: 15222
County: GREENE Township: MORGAN
Receiving Stream (s) And Classifications: UNT TO
SOUTH FORK TENMILE CREEK (S-1) / TENMILE
CREEK WATERSHED. UNT TO SOUTH FORK
TENMILE CREEK/TENMILE CREEK WATERSHED.
CASTILE RUN/TENMILE CREEK WATERSHED;
OTHER

10/1/12

ESCGP-1 No.: ESX12-125-0110

Applicant Name: MARKWEST LIBERTY MIDSTREAM
& RESOURCES LLC

Contact: Person: MR RICK LOWRY

Address: 601 TECHNOLOGY DRIVE SUITE 300

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): INDEPENDENCE

Receiving Stream(s) and Classifications: NARIGAN RUN/
WHEELING-BUFFALO CREEK; HQ

9/5/12

ESCGP-1 No.: ESX12-005-0015

Applicant Name: EQT PRODUCTION COMPANY

Contact: Person: MR TODD KLANER

Address: 455 RACETRACK ROAD SUITE 101

City: WASHINGTON State: PA Zip Code: 15301

County: ARMSTRONG Township(s): PLUMCREEK

Receiving Stream(s) and Classifications: UNT TO
CROOKED CREEK (WWF) AND UNT TO CHERRY
RUN (CWF); OTHER

8/9/12

ESCGP-1 No.: ESX12-125-0096

Applicant Name: RANGE RESOURCES APPALACHIA
LLC

Contact: Person: MS LAURA RUSMISEL

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): HOPEWELL-
BLAINE-DONEGALReceiving Stream(s) and Classifications: UNT AND BUF-
FALO CREEK (HQ-WWF) WATERSHED BUFFALO
CREEK (HQ-WWF); HQ

9/17/12

ESCGP-1 No.: ESX12-125-0102

Applicant Name: RANGE RESOURCES APPALACHIA
LLC

Contact: Person: MR MIKE HAZLETT

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): NORTH
FRANKLINReceiving Stream(s) and Classifications: UNT TO
CHARTIERS CREEK (HQ-WWF) AND LITTLE
TENMILE CREEK (TSF)/CHARTIERS CREEK WA-
TERSHED AND TENMILE CREEK WATERSHED;
HQ; OTHER

9/26/12

ESCGP-1 No.: ESX12-125-0109

Applicant Name: M3 APPALACHIA GATHERING LLC

Contact: Person: MR JAMES C ROBERTS

Address: 1099 MAIN AVENUE SUITE 210

City: DURANGO State: CO Zip Code: 81301

County: WASHINGTON Township(s): CARROLL AND
FALLOWFIELDReceiving Stream(s) and Classifications: UNT TO PI-
GEON CREEK, PIGEON CREEK, UNT TO TAYLOR'S
RUN AND TAYLOR'S RUN. SEE ATTACHMENT E
FOR STREAM TABLE; OTHER—WWF

8/6/12

ESCGP-1 No.: ESX11-125-0085 MAJOR REVISION

Applicant Name: CNX GAS COMPANY LLC

Contact: Person: MR DANIEL BITZ

Address: 200 EVERGREEN DRIVE

City: WAYNESBURG State: PA Zip Code 15370

County: WASHINGTON Township(s): MORRIS-SOUTH
FRANKLINReceiving Stream(s) and Classifications: 2 UNT's OF
TENMILE CREEK (TSF); OTHER

10/9/12

ESCGP-1 No.: ESX12-125-0118

Applicant Name: MARKWEST LIBERTY MIDSTREAM
& RESOURCES LLC

Contact: Person: MR RICK LOWRY

Address: 601 TECHNOLOGY DRIVE SUITE 300

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): INDEPENDENCE

Receiving Stream(s) and Classifications: INDIAN CAMP
RUN, BRASHEARS RUN, UNT TO SUGARCAMP
RUN; HQ

10/16/12

ESCGP-1 No.: ESX12-129-0022

Applicant Name: CNX GAS COMPANY LLC

Contact: Person: MR JONATHAN MADILL

Address: 280 INDIAN SPRINGS ROAD SUITE 333

City: INDIANA State: PA Zip Code: 15701

County: WESTMORELAND Township(s): BELL

Receiving Stream(s) and Classifications: UNT TO BEA-
VER RUN; OTHER

11/1/12

ESCGP-1 NO.: ESX12-125-0127

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): AMWELL

Receiving Stream(s) and Classifications: UNTs TO
HOME RUN (TSF) / TENMILE CREEK WATERSHED;
OTHER

10/15/12

ESCGP-1 NO.: ESX12-005-0018

Applicant Name: PENNENERGY RESOURCES LLC

CONTACT: MR GREG MUSE

ADDRESS: 1000 COMMERCE DRIVE PARK PLACE
ONE SUITE 100

City: PITTSBURGH State: PA Zip Code: 15275

County: ARMSTRONG Township(s): WEST FRANKLIN

Receiving Stream(s) and Classifications: UNT TO BUF-
FALO CREEK; HQ

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of November 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jeffrey Arms	170 Sylvan Drive Pottstown, PA 19465	Testing
Sandy Bender	929 Mt. Zion Road Lebanon, PA 17046	Lab Analysis
Roger Burens, Jr.	630 Freedom Business Center 3rd Floor King of Prussia, PA 19406	Mitigation
Brian Cousins	279 Hartman Road Honesdale, PA 18431	Testing
Ronald Crescente	2662 Tacoma Drive Blakeslee, PA 18610	Testing
Ronald Eckenroth	1006 Greenway Terrace Reading, PA 19607	Testing
Bruce Eichenlaub	485 East College Avenue Pleasant Gap, PA 16823	Testing
Daryl Festa	47 A Progress Avenue Cranberry, PA 16066	Testing
Michael Gelsick	537 Maurus Street St. Marys, PA 15857	Testing
Aaron Glick	2061 Kenbrook Road Lebanon, PA 17046	Testing
Allan Lenhardt	1419 Rock Glen Road Bloomsburg, PA 17815	Testing & Mitigation
Chris Matteson	50 North Linden Road #31 Hershey, PA 17033	Testing
Greg Panyko	345 Glaser Avenue Pittsburgh, PA 15202	Testing
Douglas Redfern	277 Timberwood Trail Centre Hall, PA 16828	Mitigation
Ray Remsnyder	1738 North 3rd Street Suite A Harrisburg, PA 17102	Testing
Kenneth Struder	PO Box 72722 Thorndale, PA 19372	Testing
Steve Wesler Radon Protection Systems, Inc.	6168 Stump Road Pipersville, PA 18947	Testing & Mitigation
Todd Ziegler	828 Oak Street Royersford, PA 19468	Mitigation

**Presque Isle Bay Area of Concern Remedial Action
Plan—Stage 3 Delisting; Comment/Response
Document**

The Department of Environmental Protection is proposing the removal of Presque Isle Bay in Erie, Pennsylvania from the list of Areas of Concern under the Great Lakes Water Quality Agreement. Information supporting this

proposal is contained in the Presque Isle Bay Area of Concern Remedial Action Plan—Stage 3 Delisting (Stage 3 RAP).

Beginning in February 2012, the Department has consulted with the Presque Isle Bay Public Advisory Committee on the rationale supporting this decision. The Public Advisory Committee was convened on February 21, 2012,

May 21, 2012, and June 18, 2012 to discuss delisting and provide comment on the Stage 3 RAP. On July 23, 2012, the Public Advisory Committee voted in favor of the Department's proposal to delist.

The Department solicited public comments related to the Stage 3 RAP in Special Notices published in Volume 42, Number 31 (August 4, 2012) and Number 37 (Saturday, September 15, 2012) of the *Pennsylvania Bulletin*. Two public availability sessions were held August 10, 2012, and August 28, 2012, which were advertised in the *Pennsylvania Bulletin* and in local newspapers.

The Department received ten sets of comments during the public comment period. The comments were organized into themes and are presented below with the Department's response.

The Stage 3 Remedial Action Plan is posted on the Public Advisory Committee's website (www.pibpac.org). Questions regarding the responses and the delisting process can be sent to Lori Boughton at lboughton@pa.gov.

1. General opposition to delisting.

Comment: The majority of the commenters expressed opposition to delisting Presque Isle Bay as an Area of Concern for various reasons. Specific reasons were posed by commenters 1, 2, 3, 4, 5, 8, and 10, whereas other commenters (6, 7, 9) opposed delisting for more general reasons or in support of other commenters.

Response: Specific objections to delisting are discussed below. Support for the arguments of other commenters is acknowledged.

2. Concern with not knowing the cause of the external tumors; PIB AOC should not be delisted, but studied further.

Comment: Several commenters (1, 2, 3, 4, 5, 10) stated that the Presque Isle Bay Area of Concern should not be delisted because the cause(s) of the external tumors on the bay's brown bullhead catfish remain unknown. Other commenters (6, 7, 9) opposed delisting Presque Isle Bay for more general reasons.

Response: The cause or causes of external (skin and mouth) tumors is beyond the current state of scientific knowledge. While these lesions have been attributed to myriad environmental contaminants (most often Polycyclic Aromatic Hydrocarbons or PAHs in sediment), populations of brown bullhead catfish with elevated levels of external tumors and other deformities have also been noted throughout the northeastern United States in waterbodies with no known sources of carcinogenic pollutants by researchers with Cornell University, the New York State Department of Environmental Conservation, the United States Fish and Wildlife Service, and the Department's own staff. The Department conducted its own experimental investigation and found no adverse effects to brown bullhead exposed to PAH-contaminated sediment. In addition, independent ecological and human health risk assessments concluded that the contaminants of potential concern known to be present in Presque Isle Bay posed little risk. While the Department agrees that the causes of tumors warrants further rigorous scientific investigation, the current state of the science does not allow for the use of these lesions as indicators of environmental degradation.

3. PIB cannot meet the IJC criteria for delisting the Tumors and Other Deformities BUI.

Comment: A commenter (4) raised the concern that conditions in Presque Isle Bay do not meet the Interna-

tional Joint Commission's criteria for delisting the Fish Tumors or Other Deformities beneficial use impairment.

Response: Presque Isle Bay and other Areas of Concern (AOCs) need to meet the AOC-specific delisting targets set by the lead agency or Remedial Action Plan group. AOCs do not need to meet the general guidelines described by the International Joint Commission (IJC) in the March/April 1991 issue of FOCUS on International Joint Commission Activities (Volume 16, Issue 1, ISSN 0832-6673). The IJC listing/delisting guidelines were developed to assist in making recommendations for listing new AOCs and in reviewing Remedial Action Plans. In 2001, the United State Policy Committee (USPC) provided a set of "Delisting Principles and Guidelines" to update the IJC's general criteria for American AOCs. The USPC's guidelines state explicitly that delisting targets are locally derived, premised on local goals and related environmental objectives for the watershed, and consistent with federal and state regulations and policies, when available. It is the responsibility of the Department of Environmental Protection in consultation with the Public Advisory Committee, to set delisting targets and criteria. For the Presque Isle Bay AOC, the Department also consulted with basin-wide experts and representatives of other Lake Erie AOCs when identifying the delisting targets set for the Bay's two beneficial use impairments.

4. All of the data, fish tumor and sediment, were not made available to the public to consider in the delisting.

Comment: One commenter (4) expressed concern that all available data related to bullhead tumors and sediment quality in Presque Isle Bay were not made available to the public for consideration in advance.

Response: The studies, data, and literature used to support the Department's Stage 3 RAP was made available to interested parties during the public availability sessions held on August 10, 2012, and August 28, 2012, which were advertised in the *Pennsylvania Bulletin* and in local newspapers. All available reports and public documents have since been made publicly available and housed on-line at the following website <http://www.pibpac.org/documents/>. In addition, raw data related to bullhead tumors in Presque Isle Bay and other sites in the northeastern United States have been compiled and made available to the public via the following searchable on-line database http://bullheadtumordatabase.com/welcome_screen.php.

5. Request for tumor data by year class as well as various alternative statistical analyses.

Comment: One commenter (4) requested various alternative analyses of bullhead tumor data (e.g., using contingency table analyses, examining various cohorts of fish, etc.)

Response: The Department conducted its analyses in close consultation with leading experts and members of its own Public Advisory Committee and believes that its analyses are appropriate. However, raw data are available for additional analyses by interested parties at the following website: http://bullheadtumordatabase.com/welcome_screen.php

6. Concern with delisting based on 5 year old data.

Comment: Several commenters (2, 3, 4) expressed concerns that the Department made its decision to delist Presque Isle Bay based on "five-year old data."

Response: This comment relates to the fact that histopathology (i.e., microscopic tissue analysis) was last conducted on the bay's brown bullhead in 2007. The

Department wishes to clarify that sampling and gross visible observations of external tumors in the bay's brown bullhead population occurred annually from 2002 through 2010 as documented in the Stage 3 RAP. Histopathological analyses of Presque Isle Bay bullhead did end in 2007.

Gross observation of external tumors has been scientifically determined to slightly over-estimate the true rate of tumors and can therefore be reliably used as a conservative surrogate for the true external tumor rate. The Department made the decision to reallocate limited funding to the histopathological analysis of experimental bullhead in 2010 after confirming that the incidence rates of both internal (liver) and external tumors in the bay brown bullhead population remained stable throughout the Recovery Stage monitoring period with only random inter-annual variation in the data.

7. DEP has overlooked contaminants as the cause of the BUI, such as PCBs, arsenic, and other legacy contaminants.

Comment: A commenter (1, 4) raised the concern that the Department overlooked contaminants as the cause of the beneficial use impairment, such as PCBs, arsenic, and other legacy contaminants.

Response: The Department used a scientific approach and accepted methodologies in developing the plan for evaluating the fish tumor beneficial use impairment (BUI) and causes of the tumors. In 2003-2006, the Department held consultation workshops with more than 40 expert researchers, fishery and wildlife biologists, pathologists, and agency representatives to identify long-term monitoring and research needs to address this BUI. The Department's plans were based on the recommendations of these experts.

The Department's did not overlook contaminants such as arsenic and PCBs. Rather, the decision to continue focusing on polycyclic aromatic hydrocarbons (PAHs) came as a result of the workshops, the most compelling studies in the literature, and the fact that Presque Isle Bay's sediment contains concentrations of PAHs that do exceed sediment quality guidelines in a number of sampling locations throughout the bay. While other environmental contaminants have been evaluated by researchers, including nitrosamines, heavy metals, pesticides, rotenone, chlorinated wastewater, and alkylating agents, the body of evidence available in the literature supports the link between PAHs and brown bullhead tumors.

8. The statistical analysis used by DEP to support the delisting decision is flawed.

Comment: Two commenters (4, 8) questioned the statistical methodology employed to normalize bullhead tumor rates based on seven year old bullhead. One commenter (4) suggested that a comparison among cohorts of fish other than at age 7 would be appropriate.

Response: Given the strong positive correlation between bullhead age and the probability of tumors noted throughout the scientific literature, the Department feels that it is critical to normalize tumor incidence rates based on the age of the bullhead sampled. This is particularly important when comparing different populations of fish or evaluating tumor trends over time. The Department retained an independent doctoral-level statistician to conduct these analyses which are based on a Bayesian statistical approach and logistic regression analysis of the tumor data. This method has been published in the peer-reviewed literature and the Department believes that the method is robust and appropriate. This method does not, however, actually directly compare cohorts of

fish, but rather allows for the determination of a point estimate of tumor incidence rates for fish of a given age. Age seven was chosen because this was the approximate mean age of bullhead in the full dataset. Reference: Rutter, M.A. 2010. A statistical approach for establishing tumor incidence delisting criteria in areas of concern: A case study. *Journal of Great Lakes Research* 36, 646-655.

9. The exposure study used by DEP to support the delisting is flawed.

Comment: Several commenters expressed concerns with the methodology (4, 6, 9) and/or conclusions (9) related to the Department's whole-sediment exposure experiment of brown bullhead catfish. Specific concerns included insufficient duration of the study, lack of natural seasonal variation of environmental conditions due to laboratory setting, use of food pellets rather than natural prey organisms (i.e., not considering oral ingestion and biomagnification pathways) (4), not considering maternal exposure and vertical transmission of contaminants to eggs (6), not considering the effects of chemicals that may be in the water column (4 and 9), and inadequate experimental control (9).

Response: The Department acknowledges that numerous alternative experimental design approaches were available. However, the exposure experiment was specifically to investigate PAH-contaminated sediment as the single Independent Variable of interest and the Department believes that the experimental design was appropriate for that purpose. Both low-PAH sediment and water control conditions were utilized in the design. The 556-day duration of the study was by far the longest of its kind and the most sensitive available biomarkers of early-stage carcinogenesis were employed as Dependent Variables. Multi-factorial designs such as those suggested were considered but rejected due to the increased cost and complexity associated with the additional experimental units, specimens, and analyses required by these designs. The Department agrees, however, that the conclusions of the study should be limited to the controlled laboratory conditions under which the experiment was conducted rather than more broadly generalized and has modified the Stage 3 RAP accordingly.

10. Concerns with the Human Health Risk Assessment.

Comment: A commenter (3) raised the concern that the Human Health Risk Assessment (HHRA) was flawed by using the incorrect maximum concentration of PCBs detected in the bay's sediment and failed to provide any explanation of the meaning of the PCB-child cancer risk.

Response: With respect to the concentration of PCBs detected in the bay's sediment, the HHRA listed an incorrect value for the maximum detected concentration. Based on a single sample collected from a single location in 2005, the maximum sediment PCB concentration should have been reported as 1.097 ppm rather than 0.373 ppm as actually reported in the HHRA. However, this error does not significantly change the very conservative calculations or conclusions of the risk assessment. Exposure risk is conservatively calculated by using the 95% Upper Confidence Limit (CL) of the mean value of the chemicals of potential concern—not the maximum values which are reported for informational purposes only.

The childhood cancer risk statements in the HHRA appear to have been made in error. Based on a review of the HHRA by risk assessment professionals with both the Department and the United States Environmental Protection Agency, cancer risk is appropriately calculated only

for adults after considering the various carcinogen exposure patterns that occur throughout the lifetime, which differ during childhood and adulthood. In other words, it is appropriate to consider the unique carcinogen exposure pathways during childhood only as they relate to the ultimate risk of developing cancer during adulthood.

With respect to PCB exposure, the primary pathway is, as noted in the HHRA, through the ingestion of fish which have bioaccumulated these substances. Dermal absorption of PCBs in contaminated sediment is a highly improbable exposure pathway for either children or adults and will lead to an overestimation of risk, as discussed in the HHRA. Nonetheless, this conservative exposure pathway was evaluated in the assessment out of an abundance of caution. Even when both dermal contact and ingestion of PCBs is considered, the cancer risk posed by PCBs to adults was found to be low.

These concerns have been communicated to the author of the HHRA and the document will be revised accordingly.

11. Concerns with the Ecological Risk Assessment.

Comment: A commenter (1) questioned why PCBs were not considered in the ecological risk assessment, but were considered in the Human Health Risk Assessment. *Response:* The Screening-Level Ecological Risk Assessment (SLERA) relied solely on existing reports and data in order to estimate the level of risk to important ecological receptors in and around Presque Isle Bay. The chemicals of potential concern (COPCs) identified in the SLERA were included if the frequency of exceeding the published Probable Effects Concentration (PEC) in surficial sediment samples was greater than 10%, as identified by MacDonald (2008). In this report, PCBs exceeded the PEC toxicity threshold in only 2 of 40 surficial sediment samples collected in 2005 and 0 of 4 samples collected prior to 2005 (less than 5% frequency of exceedance). The most recent (2009) surficial sediment sampling results again confirmed that PCBs do not exceed probable effect concentrations. The Department concurs with the conclusions of the authors of the SLERA that the risk posed to PIB ecosystem from PCB exposure is low.

12. Healthier fish.

Comment: One commenter (5) specifically asked if our fish are healthier now that when we started our AOC?

Response: The Presque Isle Bay brown bullhead population can be considered healthier than when the bay was listed as an AOC based on decreases in the incidence rates of both external and liver tumors. The decreasing rate of grossly visible raised external lesions over the past two decades is clearly visible in Figure 16 of the Stage 3 RAP.

13. Insufficient ongoing monitoring effort.

Comment: Two commenters (1, 4) raised concerns with the Department's ongoing monitoring plan; in particular, concerns about the concentrations of metals and other contaminant transported into Presque Isle Bay from tributary streams and questioned the Department's future monitoring.

Response: *Response:* The Department will continue its efforts to support watershed restoration projects that reduce the amount of sediment and associated contaminants entering Presque Isle Bay, including monitoring sediment and contaminant loading from the tributaries to ascertain the success of the restoration projects.

The Department remains committed to providing the resources, applying for grant funding to continue investi-

gations and monitoring, and working with experts, other AOCs, and the Public Advisory Committee to provide oversight and diligence in ensuring the sustained restoration and protection of Presque Isle Bay and its watershed. As with any long-term monitoring plan, there is no guarantee that resources will be available or new scientific methods or theories may arise, which result in changes to the original plan.

Resource constraints and grant funding cycles resulted in monitoring occurring in different years than originally planned or being replaced with investigations such as those into the cause(s) of external tumors. The Department consulted with the Public Advisory Committee and its Fish Subcommittee in resource decisions that changed the focus and timing of monitoring efforts. For example, the 2002 RAP Update included a long term monitoring for fish tumors that called for annual gross visual observations and histopathology on a subset of 50 fish in 2002, 2003, 2004, 2007, and 2010. Gross visual observations were done annually from 2002 through 2010. Histopathology was done in 2002, 2003, 2005, 2005, and 2007. Potential reference sites were included in 2004, 2005, and 2007. Recommendations from the expert consultations and workshops resulted in shifting resources from histopathology work to evaluating potential causes of the tumors such as parasites, viruses, and contaminant concentrations on clean and tumored skin.

Comment: One Commenter (9) stated that, "I think we should we should keep Presque Isle Bay on a watch list. Our lakes are so important for drinking water, it should always be an area of concern to everyone."

Response: The Department agrees with this comment.

14. Other BUIs.

Comment: One Commentator (3) asserted that, in addition to the Fish Tumors or Other Deformities Beneficial Use Impairment, Presque Isle Bay cannot meet the criteria established by the International Joint Commission for Beneficial Use Impairments related to Restrictions on Fish and Wildlife Consumption and Eutrophication or Undesirable Algae.

Response: The Department disagrees with this comment. It is important to clarify that Areas of Concern are not merely locations with some measurable level of environmental degradation on a particular metric, but are geographic areas that fail to meet the objectives of the Great Lakes Water Quality Agreement between the United States and Canada to such an extent that they are considered uniquely and significantly degraded relative to background conditions throughout the Great Lakes.

Subsequent to the original listing of Presque Isle Bay as an Area of Concern in 1991, the Department and its contractors evaluated the potential occurrence of all 14 BUIs in Presque Isle Bay and summarized the results of the evaluation in the original 1993 Stage 1 Remedial Action Plan for Presque Isle Bay. Neither of these two beneficial uses was found to be impaired at that time based on the IJC criteria. The former BUI was not applicable to Presque Isle Bay because the Department's fish tissue monitoring program confirmed that contaminant levels in Presque Isle Bay fish were no higher than contaminant levels in the same fish species found in the open waters of Lake Erie. The latter BUI was not applicable because, at the original time of assessment, Presque Isle Bay displayed none of the signs of cultural eutrophication (e.g., nuisance algal blooms, attendant depletion of dissolved oxygen and decreases in water clarity) required by the IJC criteria.

At the request of the Department's Public Advisory Committee, in 2012 the Department re-evaluated the possible occurrence of all potential BUIs not originally identified in Presque Isle Bay. As discussed in Section 3 of the Stage 3 Remedial Action Plan, the Department's ongoing fish tissue monitoring program has confirmed that levels of contaminants in the bay's fish, while present, continue to be equal to or less than levels found in the open waters of Lake Erie. Similarly, annual assessments of water quality, algae, and oxygen levels in the bay have confirmed that cultural eutrophication is not occurring in Presque Isle Bay. In fact, there has been a trend of improving water clarity over the last two decades. In short, the criteria for these BUIs are not met in Presque Isle Bay.

15. Only relied on single source of evidence.

Comment: One Commenter (1) asserted that the Department's basis for discounting external tumors on bullhead as indicators of environmental contaminant exposure relied primarily on a comment made by a single scientist (Dr. Paul Baumann) in a non peer-reviewed paper that the "use of external lesions . . . as criteria related to carcinogen exposure is not recommended."

Response: While the Department has great respect for Dr. Baumann's opinion given his status as a leading investigator in this field, our decision to no longer rely on external tumors as indicators of environmental contaminant exposure is based on the full weight of evidence as discussed in response 2, above.

16. Different external tumor types means it's a more severe problem.

Comment: One Commenter (1) stated that the fact that bullhead in Presque Isle Bay had different types of external tumors than those at the reference site (including squamous cell carcinomas) indicates that more severe environmental degradation than at our reference site (Long Point Inner Bay).

Response: The Department acknowledges that external tumors on Presque Isle Bay bullhead are both quantitatively and qualitatively different that the reference site. However, given the current state of the science, this fact provides no additional insight with respect to the causes of the tumors or the utility of these tumors as indicators of environmental contamination.

List of Commentators

1. Commentator 1: Mike Campbell
2. Commentator 2: ECDH (6/11/12)
3. Commentator 3: Sierra Club
4. Commentator 4: Robert Wellington, (8/23/12)
5. Commentator 5: S.O.N.S. of Lake Erie, (8/11/12)
6. Commentator 6: Jeanette Girosky, (9/04/12)
7. Commentator 7: David J. Dausey, PhD, (8/23/12)
8. Commentator 8: Pat Lupo, (8/27/12)
9. Commentator 9: Marian Howard, (8/25/12)
10. Commentator 10: PFBC

[Pa.B. Doc. No. 12-2432. Filed for public inspection December 14, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.library.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—Minor Revision

DEP ID: 263-4500-601. *Title:* Closure Requirements for Underground Storage Tank Systems. *Description:* The purpose of this guidance is to establish minimum standards that must be met to comply with the closure requirements for regulated underground storage tanks. These procedures include closure notification, tank handling and waste management and disposal, site assessment, sampling requirements, analytical requirements, release reporting and recordkeeping.

This Technical Guidance Document is being revised to update the Analytical Requirements table presented in Section VI.E, pages 33 and 34 of the document. The updated table does not reflect new requirements. These analytical requirements have been utilized to guide closure site assessments since March 15, 2008, and have been available on the Department's Storage Tank Program web sites as a separate document. Notice of the analytical requirements was published at 38 Pa.B. 1312 (March 15, 2008) as a revision to the Department's Land Recycling Program Technical Guidance Manual.

Also being revised is Appendix E, Standards/Action Levels for Confirmatory Samples Collected at Closure Site Assessments, found on pages 54 and 55. The updated tables do not reflect new requirements. The tables have been utilized to guide closure site assessments, and have been available on the Department's Storage Tank Program web sites as a separate document. The numeric standards contained in the tables reflect current standards that were last updated and noticed at 41 Pa.B. 307 (January 8, 2011) as amendments to Chapter 250, Administration of the Land Recycling Program.

Contact: Questions regarding this action should be directed to Randy Martin at ramartin@pa.gov or (717) 772-5828.

Effective Date: December 15, 2012.

DEP ID: 263-4200-001. *Title:* Closure Requirements for Aboveground Storage Tank Systems. *Description:* The purpose of this guidance is to establish minimum standards that must be met to comply with the closure requirements for regulated large aboveground storage tanks. These procedures include closure notification, tank handling and waste management and disposal, site assessment, sampling requirements, analytical requirements, release reporting and recordkeeping.

This Technical Guidance Document is being revised to update Appendix E, Standards/Action Levels for Confirmatory Samples Collected at Closure Site Assessments, found on pages 47 and 48. The updated tables do not reflect new requirements. The tables have been utilized to guide closure site assessments, and have been available on the Department Storage Tank Program web sites as a separate document. The numeric standards contained in the tables reflect current standards that were last updated and noticed at 41 Pa.B. 307 as amendments to Chapter 250, Administration of the Land Recycling Program.

Contact: Questions regarding this action should be directed to Chad Clancy at cclancy@pa.gov or (717) 772-5830.

Effective Date: December 15, 2012.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2433. Filed for public inspection December 14, 2012, 9:00 a.m.]

Board and Committee Meeting Schedules for 2013

The following is a list of 2013 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's web site at <http://www.dep.state.pa.us>, select "Public Participation," "Advisory Committees" and then select the name of the advisory committee to access meeting materials. The Department encourages individuals to visit its web site to confirm meeting date, time and location.

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

Agricultural Advisory Board

The Agricultural Advisory Board will hold bimonthly meetings on the following dates. The meetings will begin at 10 a.m. in Susquehanna Room A, DEP South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA, unless otherwise noted.

February 20, 2013
April 17, 2013
June 19, 2013
August 21, 2013
October 16, 2013
December 18, 2013

Contact: Frank Schneider, Bureau of Conservation and Restoration, P. O. Box 8555, Harrisburg, PA 17105-8555, fschneider@pa.gov or (717) 772-5972.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 14, 2013
April 11, 2013
June 13, 2013
August 1, 2013
October 10, 2013
December 12, 2013

Contact: Nancy Herb, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, nherb@pa.gov or (717) 783-9269.

Board of Coal Mine Safety

The 2013 meetings of the Board of Coal Mine Safety have not been scheduled. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

Contact: Allison D. Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, agaida@pa.gov or (724) 439-7289.

Citizens Advisory Council

Meetings of the Citizens Advisory Council (CAC) are held on the third Tuesday of the month in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings typically begin at 11 a.m. CAC does not meet in August and December. The meeting dates are as follows:

January 15, 2013
February 19, 2013
March 19, 2013
April 16, 2013
May 22, 2013 (Wednesday due to Pennsylvania Primary Election on May 21, 2013)
June 18, 2013
July 16, 2013
September 17, 2013
October 15, 2013
November 19, 2013

Contact: Marjorie Hughes, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, mahughes@pa.gov or (717) 787-4527.

Cleanup Standards Scientific Advisory Board

Meetings of the Cleanup Standards Scientific Advisory Board will be held at 9 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates and room locations are as follows:

April 11, 2013—10th Floor Conference Room
October 23, 2013—Room 105

Contact: Dave Crownover, Environmental Cleanup and Brownfields, P. O. Box 8471, Harrisburg, PA 17105-8471, dcrownover@pa.gov or (717) 783-7816.

Cleanup Standards Scientific Advisory Board: Vapor Intrusion Workgroup

Meetings of the Cleanup Standards Scientific Advisory Board: Vapor Intrusion Workgroup will be held at 9 a.m.

at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date and room location is as follows:

January 29, 2013—14th Floor Conference Room

Contact: Dave Crownover, Environmental Cleanup and Brownfields, P. O. Box 8471, Harrisburg, PA 17105-8471, dcrownover@pa.gov or (717) 783-7816.

Cleanup Standards Scientific Advisory Board: Technical Guidance Manual Workgroup

Meetings of the Cleanup Standards Scientific Advisory Board: Technical Guidance Manual Workgroup will be held at 9 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting date and room location is as follows:

February 27, 2013—14th Floor Conference Room

Contact: Dave Crownover, Environmental Cleanup and Brownfields, P. O. Box 8471, Harrisburg, PA 17105-8471, dcrownover@pa.gov or (717) 783-7816.

Climate Change Advisory Committee

Meetings of the Climate Change Advisory Committee will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted and will be held from 10 a.m. until 3 p.m. The meeting dates are as follows:

January 8, 2013

February 19, 2013—2nd Floor Training Room

April 2, 2013

May 21, 2013

July 2, 2013

October 8, 2013

As the need arises, additional meetings may be added. Meetings may be moved to the Delaware Room, 16th Floor, for informational WebEx meetings.

Contact: Joseph Sherrick, Bureau of Air Quality, 400 Market Street, Harrisburg, PA 17105, josherrick@pa.gov or (717) 787-2030.

Coal and Clay Mine Subsidence Insurance Fund Board

Meetings of the Coal and Clay Mine Subsidence Insurance Fund Board will be held in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 10 a.m. The meeting date is as follows:

December 11, 2013

Contact: Lawrence Ruane, Bureau of Mining Programs, P. O. Box 8461, Harrisburg, PA 17105-8461, lruane@pa.gov or (717) 783-9590.

Coastal Zone Advisory Committee

Meetings of the Coastal Zone Advisory Committee will be held in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 9:30 a.m. The meeting dates are as follows:

January 16, 2013

June 5, 2013

Contact: Sabrina Stanwood, Interstate Waters Office, P. O. Box 8465, Harrisburg, PA 17105-8465, sstanwood@pa.gov or (717) 772-5622.

Environmental Justice Advisory Board

Meetings of the Environmental Justice Advisory Board are held quarterly in the Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The meetings typically begin at 8:30 a.m. unless otherwise noted on the web site. The meeting dates are as follows:

February 5, 2013

May 7, 2013

September 17, 2013

November 13, 2013

Contact: Paula Sviben, Office of Environmental Advocate, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, psviben@pa.gov or (717) 787-6490.

Environmental Quality Board

Meetings of the Environmental Quality Board will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 9 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 15, 2013

February 19, 2013

March 19, 2013

April 16, 2013

May 22, 2013 (Wednesday due to Pennsylvania Primary Election on May 21, 2013)

June 18, 2013

July 16, 2013

August 20, 2013

September 17, 2013

October 15, 2013

November 19, 2013

December 17, 2013

Contact: Michele Tate, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA, 17105-8477, mtate@pa.gov or (717) 783-8727.

Laboratory Accreditation Advisory Committee

The 2013 meetings of the Laboratory Accreditation Advisory Committee have not been scheduled. Notices for upcoming meetings will be published in future issues of the *Pennsylvania Bulletin*.

Contact: Aaren Shaffer Alger, Bureau of Laboratories, P. O. Box 1467, Harrisburg, PA 17105-1467, aalger@pa.gov or (717) 346-7200.

Low-Level Waste Advisory Committee

The Low-Level Waste Advisory Committee will meet on October 4, 2013, from 10 a.m. until 12:30 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Contact: Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, rjanati@pa.gov or (717) 787-2147.

Mine Families First Response and Communications Advisory Council

The Mine Families First Response and Communications Advisory Council is scheduled to hold its annual meeting at 10 a.m. on April 23, 2013, in the Fayette County Health Center in Uniontown, PA.

Contact: Allison D. Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, agaida@pa.gov or (724) 439-7289.

Mining and Reclamation Advisory Board

Meetings of the Mining and Reclamation Advisory Board are held quarterly in Room 105, Rachel Carson

State Office Building, 400 Market Street, Harrisburg, PA, unless otherwise noted. The meeting dates are as follows:

January 10, 2013—Delaware Conference Room

April 25, 2013

July 11, 2013—location to be announced

October 24, 2013

Contact: Daniel Snowden, Bureau of Mining Programs, P. O. Box 8461, Harrisburg, PA 17105-8461, dsnowden@pa.gov or (717) 787-5103.

Oil and Gas Technical Advisory Board

The Oil and Gas Technical Advisory Board meetings will be held from 10 a.m. until 1 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

June 12, 2013

September 19, 2013

December 4, 2013

Contact: Darek Jagiela, Bureau of Oil and Gas Planning and Program Management, P. O. Box 8765, Harrisburg, PA 17105-8765, djagiela@pa.gov or (717) 783-9645.

Radiation Protection Advisory Committee

Meetings of the Radiation Protection Advisory Committee will be held at 9 a.m. at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates and room locations are as follows:

April 11 and 12, 2013—14th Floor Conference Room

October 17, 2013—Room 105

December 12, 2013—Room 105

Contact: Joseph Melnic, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, jmelnic@pa.gov or (717) 783-9730.

Recycling Fund Advisory Committee

The Recycling Fund Advisory Committee will meet on the date listed as follows. The meeting will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will be held from 10 a.m. until 3 p.m.

November 7, 2013

Contact: Ali Tarquino-Morris, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8550, altarquino@pa.gov or (717) 783-2630.

Sewage Advisory Committee

Meetings of the Sewage Advisory Committee will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will usually begin at 10:30 a.m. The meeting dates are as follows:

March 6, 2013

July 10, 2013

November 6, 2013

Contact: John Diehl, Chief, Act 537 Management, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, jdiehl@pa.gov or (717) 783-2941.

Small Business Compliance Advisory Committee

Meetings of the Small Business Compliance Advisory Committee are held quarterly in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 10 a.m. The meeting dates are as follows:

January 23, 2013

April 24, 2013

July 24, 2013

October 23, 2013

Contact: Susan Foster, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, sufoster@pa.gov or (717) 787-7019.

Solid Waste Advisory Committee

The Solid Waste Advisory Committee meetings will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will be held from 10 a.m. until 3 p.m. The meeting dates are as follows:

February 7, 2013

May 16, 2013

August 8, 2013

November 7, 2013

Contact: Ali Tarquino-Morris, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8550, altarquino@pa.gov or (717) 783-2630.

State Board for Certification of Water and Wastewater System Operators

The 2013 meetings of the State Board for Certification of Water and Wastewater Systems Operators will be held in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 10 a.m. The meeting dates are as follows:

February 12, 2013

April 16, 2013

June 18, 2013

August 13, 2013

October 16, 2013

December 10, 2013

Contact: Cheri Sansoni, Bureau of Safe Drinking Water, Operator Certification, P. O. Box 8454, Harrisburg, PA 17105-8454, csansoni@pa.gov or (717) 772-5158.

Storage Tank Advisory Committee

Meetings of the Storage Tank Advisory Committee will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 10 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

March 5, 2013

June 11, 2013

September 10, 2013

December 3, 2013

Contact: Charles M. Swokel, Chief, Division of Storage Tanks, Bureau of Environmental Cleanup and Brownfields, P. O. Box 8762, Harrisburg, PA 17105-8762, cswokel@pa.gov or (717) 772-5806 or (800) 428-2657 (42-TANKS) within this Commonwealth.

Technical Advisory Committee on Diesel-Powered Equipment

Meetings of the Technical Advisory Committee on Diesel-Powered Equipment will be held at 10 a.m. in the Fayette County Health Center in Uniontown, PA. The meeting dates are as follows:

January 9, 2013

April 10, 2013

July 10, 2013

October 9, 2013

Contact: Allison D. Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, agaida@pa.gov or (724) 439-7289.

Water Resources Advisory Committee

Meetings of the Water Resources Advisory Committee will be held at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 13, 2013
May 8, 2013
August 14, 2013
November 20, 2013

Contact: Duke Adams, Office of Water Management, P. O. Box 2063, Harrisburg, PA 17105-2063, ranadams@pa.gov or (717) 783-7404.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2434. Filed for public inspection December 14, 2012, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Issuance of Invitation for Bids for Publication of the *Pennsylvania Code* and *Pennsylvania Bulletin*

The Department of General Services is issuing an Invitation for Bids (IFB) No. 6100023893 for publication of the *Pennsylvania Code* and the *Pennsylvania Bulletin*. The IFB is available on the Pennsylvania eMarketplace portal at <http://www.emarketplace.state.pa.us>.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 12-2435. Filed for public inspection December 14, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Aria Health Bucks Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aria Health Bucks Campus 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 and 2.2-3.3.3.3 (relating to clearances for preoperative patient care area; and clearance for 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. 12-2436. Filed for public inspection December 14, 2012, 9:00 a.m.]

Availability of Title V Funds through Child Injury Prevention Program Small No-Bid Grant

The Department of Health (Department), Bureau of Family Health (Bureau) is accepting small no-bid grant applications to support community based initiatives that directly address the promotion of community injury prevention practices targeted to children through 21 years of age.

Grantees awarded funds through the Child Injury Prevention Program (Program) must use the funds for activities and materials to work to improve the health and safety of children through 21 years of age and reduce preventable child deaths and injury across this Commonwealth. Small no-bid grant awards shall not exceed \$5,000.

Purpose: The Program will provide financial support to successful applicants in an effort to decrease the incidence of preventable child deaths and injury due to factors such as unsafe behaviors and actions and accidental death and injury of children in unsafe environments.

From 2008 to 2011, Local Child Death Review (CDR) Teams reviewed 4,739 child deaths and determined that 1,881 (approximately 39%) of those deaths were probably preventable. Accident was the manner of death for almost 36% of the deaths determined probably preventable by the Local CDR Teams. These statistics support the need for education to enhance knowledge of injury prevention in children as well as the need for implementation of evidence based interventions.

While efforts to reduce the overall child injury and death rate are a priority, research has demonstrated the need to focus on racial and ethnic disparities. Applicants are encouraged to focus efforts on high risk and minority populations and use funding to eliminate health disparities among these groups.

Funds: Funding for this project is contingent upon the availability of allocated Maternal and Child Health Services Block Grant (grant) funds and Bureau approval. Project funds must be used to reimburse approved purchases and activities occurring between February 1, 2013, to April 15, 2013, not to exceed \$5,000.

Requirements: Eligible applicants include public and private organizations, foundations or community-based agencies, physically located in this Commonwealth, as recognized by Federal Tax ID number. Individuals may not apply. Informal groups without Federal Tax ID numbers are encouraged to partner with a sponsor organization who may apply on behalf of the group. For-profit organizations may apply, however no applicant may take a profit from these funds.

Applicants may include Local CDR Teams.

To conduct business with the Commonwealth, providers are required to be enrolled in the Systems, Applications and Products system. Applicants who are not enrolled may apply for a vendor identification number by contacting the Central Vendor Management Unit at (877) 435-7363 or (717) 346-2676 or <http://www.vendorregistration.state.pa.us> (click on Non-Procurement Registration Form).

Application Deadlines: It is anticipated that five awards of \$5,000 or less will be made under this grant opportunity. To apply for funding, a complete application must be received by the Department by January 18, 2013. Applications may be mailed or hand delivered. Applications may not be faxed or e-mailed. Late applications will not be accepted regardless of the reason.

Application Process: Complete the "PROPOSED BUDGET" and attach a clear and concise narrative of no more than three typewritten pages that includes the following information:

1. The organization's mission and primary activities.
2. A description of need for the proposed activities and target population (that is geographic area, age, minority group, and the like).
3. A plan that describes how child injury prevention will be addressed, how the efforts will be measured and evaluated and the degree to which efforts will be long-lasting or on-going, or both.
4. A description of how funds will be expended.

An authorized official of the organization must sign and date the application. Submit an original and three complete copies of the application (including the narrative, budget, budget narrative and any supporting attachments). Applications must be page-numbered and unbound. Incomplete applications will not be reviewed.

Award Determination: All funding decisions are contingent upon the availability of allocated grant funds and Bureau approval. Applications are scored by a three-member review panel using a rating scale with the following pre-established criteria:

1. The degree of need for the proposed activity, as justified by the applicant.
2. The extent to which the activity can demonstrate a change in awareness and actions.
3. The reasonableness of the proposed expenditures/purchases.
4. The likelihood that the proposed activity will be of on-going, systemic benefit to the target population.

Notification of Award: All applicants shall be notified of their award status within 4 weeks of the submission due date. This Program reimburses applicants for actual costs incurred by the successful applicant from February 1, 2013, through April 15, 2013, and shall not exceed the approved amount.

Eligible Costs: Applicants may apply for funding reimbursement of multiple purchases or activities. However, the maximum cumulative award to any one applicant (as identified by Federal ID number) is \$5,000. In all cases, Department funds must be used as payer of last resort. Small no-bid grant funds may not supplant existing funds. Funds may be used for reimbursement of one time purchases only. The grantee is the sole owner of the purchased property. The budget section of the application must include a budget narrative detailing by line item how project funds will be used and the degree to which competitive bids were secured for purchases. Price quotes, estimates, catalog samples or any other proof of cost must be submitted for every purchase proposed.

Expenses eligible for reimbursement under this project include:

1. Equipment: helmets, firearm safety locks, and the like.
2. Education: training materials, books, workbooks, brochures, posters; translation of educational materials into different languages and for different populations, and the like.
3. Technology: computer equipment/software, videos, CDs, DVDs, and the like.

Ineligible Costs: The following costs are not eligible for reimbursement under this Program:

1. Administrative/indirect costs (that is, costs not uniquely attributable in full to the programmatic activity).
2. New building construction or structural renovation of an existing space.
3. Capital expenses or equipment.
4. Staffing/personnel.
5. One-time consumables (that is, event tickets).

By applying for small no-bid funding, applicants acknowledge and affirm that they will abide by the previously listed spending limitations and the provisions of the grant provisions (Attachment B), for all money awarded under that application.

Summary Report and Invoice Procedures: Approved applicants shall be reimbursed with one check for all approved expenses. To receive reimbursement of approved expenses, awardees must submit the following documentation, found in Attachment A, to the Bureau within 30 days following completion of funded activity or no later than May 15, 2013:

1. Summary report of funded activities, including evaluation results.
2. Continuation plan for the Program or activities.
3. Invoice with documentation to support each line item amount requesting reimbursement.
4. Invoices received after May 15, 2013, are not eligible for reimbursement.

Applications should be submitted to the Child Injury Prevention Program Administrator, Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor East Wing, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762.

For more information or for persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) contact Julie

Hohney, Child Injury Prevention Program Administrator at jhohney@pa.gov or (717) 772-2762, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

Attachment A
Pennsylvania Department of Health—Bureau of Family Health
2012 - 2013 Work Statement APPLICATION
Child Injury Prevention and Intervention Promotion Program

Applicant Information:

- Name of Organization: _____
- FID Number: _____
- Organization name on file with the PA. Dept. of State for the FID number (if different from above): _____
- Complete Mailing Address: _____

- Contact Person: _____
- Telephone Number: (____) _____ Fax Number: (____) _____
- E-mail Address: _____

Pennsylvania Department of Health—Bureau of Family Health
PROPOSED BUDGET
Child Injury Prevention Promotion Small no-bid Grant Program

Applicant Information:

- Name of Organization: _____
- Federal Identification Number (FID #): _____
- Organization name on file with the PA. Dept. of State for the FID # (if different from above): _____
- Complete Mailing Address: _____

- Contact Person: _____
- Telephone Number: (____) _____ Fax Number: (____) _____
- E-mail Address: _____

Reimbursement shall be for actual costs incurred by the vender from February 1, 2013 through April 15, 2013 and shall not exceed the amount noted below. Attach copies of any price quotes, estimates, catalog samples, or other proof of cost for every purchase proposed within your itemized budget. By applying for small no-bid grant funding, applicants acknowledge and affirm that they will abide by the spending limitations below and the provisions of the Maternal and Child Health Services Block Grant Provisions (Attachment B), for all money awarded under that application.

Itemized Budget

Itemized Activity Expenses/Purchases			
Item	Cost Per Unit	Number	Total Cost
	\$		\$
	\$		\$
	\$		\$
	\$		\$
	\$		\$
Other Expenses (Itemize)			\$
			\$
			\$
Total Amount Requested	\$		
*May Not Exceed \$5,000			

Provide budget narrative and justification details here:

Attach additional sheets as necessary

Authorized Applicant Signature/Title: _____
 Printed Name: _____

**Pennsylvania Department of Health—Bureau of Family Health
 February 1, 2013 to April 15, 2013 FINAL INVOICE
 Child Injury Prevention and Intervention Promotion Small no-bid Grant Program**

Awardee Information

Name of Organization: _____

Federal Identification Number (FID #): _____

Organization name on file with PA Dept. of State for the FID # (if different from above): _____

Complete Mailing Address: _____

Contact Person: _____

Telephone Number: (____) _____ Fax Number: (____) _____

E-mail Address: _____

- Please attach the following:
- Summary report of funded activities, including evaluation results
 - Continuation plan for the program or activity
 - Expense documentation (receipt, invoice, etc.) supporting **each** line item

Invoice

Itemized Activity Expenses/Purchases

Item	Cost Per Unit	Number of Units	Total Cost

Other Expenses (Itemize)

Total Amount Requested *May Not Exceed \$5,000	
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Awardee authorized signature/title: _____
 Awardee printed name and title: _____

DOH Use Only: Approved for Payment: _____	Date: _____
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Attachment B**Pennsylvania Department of Health—
Bureau of Family Health****MATERNAL AND CHILD HEALTH SERVICES
BLOCK GRANT PROVISIONS**

This mini-grant's funding consists of Federal block grant monies. The Contractor (mini-grant awardee) shall not use such funds in a manner not in accordance with the Maternal and Child Health Services Block Grant legislation at 42 U.S.C. Section 701 et seq., and the Contractor assures that no block grant funds shall be used to:

1. Provide inpatient services, other than inpatient services provided to children with special health care needs or to high-risk pregnant women and infants and such other inpatient services as the Secretary of the U.S. Department of Health and Human Services (HHS) may approve in writing. (The use of block grant funds provided through this contract to provide permitted inpatient services shall be limited to those services specifically set forth in this contract's work statement and/or budget);
2. Make cash payments to intended recipients of health services;
3. Purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling if provided for in the line item budget of this contract) any building or other facility, or purchase major medical equipment. (No minor equipment may be purchased unless the line item budget specifically provides for such purchase);
4. Satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;
5. Provide funds for research or training to any entity other than a public or nonprofit private entity; or
6. Pay for any item or service (other than an emergency item or service) furnished by an individual or entity or at the medical direction or on the prescription of a physician during the period when the individual, entity, or the physician is excluded under subchapter V (Maternal and Child Health Services Block Grant, 42 U.S.C. Section 701 et seq.), subchapter XVIII (Medicare, 42 U.S.C. Section 1395 et seq.), subchapter XIX (Medicaid, 42 U.S.C. Section 1396 et seq.), or subchapter XX (Block Grants to States for Social Services, 42 U.S.C. Section 1397 et seq.) of Chapter 7 of the Social Security Act pursuant to 42 U.S.C. Sections 1320a-7, 1320a-7a, 1320c-5, or 1395u(j)(2).

- These sections forbid the use of block grant funds to pay for any item or service provided by an individual or entity, or at the medical direction or on the prescription of a physician, when the Secretary of HHS has excluded such individual, entity, or physician from the right or privilege to participate in or receive funds through the programs of Titles V, XVIII, XIX, or XX. Exclusion necessarily results, or may result, from such events generally (non-inclusive) as the following: conviction for criminal offenses, including fraud, or patient abuse or neglect, under federal or state health care programs; conviction relating to obstruction of investigations; convictions relating to controlled substances; license revocation

or suspension; submission of claims for excessive charges or unnecessary services; failure to disclose certain information required or requested by HHS or state agencies; default on health education loans or scholarships; filing improper claims for medical payments; or violation of certain Medicare requirements.

- In entering into this contract and by invoicing for or accepting payment hereunder, the Contractor assures that the Contractor is not in a state of exclusion per notice from HHS, and that no contract funds have been or shall be utilized to pay any individual or entity, whether the Contractor's employee, subcontractor, or otherwise, as prohibited by 42 U.S.C. Section 704(b) or this contract.

- The Contractor shall immediately provide written notice to the Pennsylvania Department of Health (DOH) of any exclusion notice from HHS which exclusion is effective at any time during the term of this contract. Exclusion of the Contractor by HHS shall constitute a material breach and shall automatically terminate the contract as of the effective date of the exclusion.

- The Contractor shall be liable for repayment of any contract funds either accepted by the Contractor for services or items while the Contractor is in a state of exclusion by HHS or utilized by the Contractor to pay for any item or service contrary to the requirements of 42 U.S.C. Section 704(b) of this contract.

The Contractor assures that under this contract it and any subcontractors shall cooperate fully with the Commonwealth to enable it to comply with any reporting, audit, or fiscal requirements imposed under 42 U.S.C. Section 706.

The Contractor assures that should the federal government conduct any investigation or should the Department be a party to any hearing under 42 U.S.C. Section 706, that the Contractor and any subcontractors shall cooperate in general with the Commonwealth in such investigation or hearing (prior to and during the time of such hearing) and specifically shall make available for examination and copying by the Commonwealth, the U.S. Department of Health and Human Services, or the Comptroller General of the United States, documentary records required by 42 U.S.C. Section 706(d)(1).

[Pa.B. Doc. No. 12-2437. Filed for public inspection December 14, 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 § 205.10(b) (relating to doors):

Sayre Health Care Center
1001 North Elmer Avenue
Sayre, PA 18840
FAC ID 192102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

Friendly Nursing Home—Pitman
200 Taylorsville Mountain Road
Pitman, PA 17964
FAC ID # 061502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the 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. 12-2438. Filed for public inspection December 14, 2012, 9:00 a.m.]

Recognized Lifeguard Certifying Authorities for 2013

The Department of Health has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized as lifeguard certifying authorities for 2013: The American Red Cross, Jeff Ellis and Associates, YMCA, The Boy Scouts of America, Starfish Aquatics Institute and National Aquatic Safety Company.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Department of Health, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2439. Filed for public inspection December 14, 2012, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Consumer Price Index Adjustment of Base Amounts on Bids Effective January 1, 2013

Each year the Department of Labor and Industry (Department) is required by the following listed statutes to publish changes to the base amounts triggering the requirement for public, telephonic bids or separate bids for certain contracts, or both. The Department is required to announce the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): All items CPI-U for the United States city average for the 12-month period ending September 30 of each year. The Department utilizes the most current nonseasonally adjusted series, as published by the United States Bureau of Labor Statistics (BLS), which at present uses 1982-1984 as the index base period (set equal to 100). The percentage change for the 12-month period ending September 30, 2012, is 2.0%.

The change to the base rate is determined as follows:

1) Calculate the percentage change in CPI-U (I) from September 2011 to September 2012. This is derived as $I = (CPI_{12} - CPI_{11}) / CPI_{11}$, where the subscripts refer to September 2012 and 2011 values of CPI-U. As reported by the BLS these values are $(231.407 - 226.889) / 226.889 = 4.518 / 226.889 = 1.9913\%$, which when rounded to 1 decimal place = 2.0%. (This was also reported as 2.0% in Table A of the BLS news release on the Consumer Price Index Summary for September 2012).

2) The legislation puts a floor of 0 and a cap of 3% on the percentage change to be used in the calculations (technically these restrictions are on the Preliminary Adjusted Base (PAB), defined in step 4, however this is mathematically equivalent). Letting PC be the truncated value of the percentage change to be used in the adjustment formula, it is:

- a) $PC = I$, for $0 \leq I \leq 3\%$,
- b) $PC = 0$, for $I < 0$ and
- c) $PC = 3\%$, for $I > 3\%$.

3) Let the initial base value set in the legislation be designated as B and the product of B and PC (determined previously) be P. (There are different values of the base depending on the entity and the type of bid, so technically B could be designated with 2 subscripts. Since the Department will illustrate for some specific one, the subscripts are omitted.) Then $P = PC * B$. A common value for the base amount for a public bid is \$18,500. Letting B = 18,500 as an example, it would be $P = 18,500 * 2.0\% = 370$.

4) Then the Preliminary adjusted base, $PAB = P + B$, which in this case reduces to $370 + 18,500 = 18,870$.

5) The final adjusted base amount, FAA, (which is used as the limit for the next year, that is 2013), is the PAB rounded to the nearest 100. Therefore the FAA = 18,900.

Final Adjusted Base Amount for use in 2013

<i>Entity and Legislation</i>	<i>Public Bid</i>	<i>Written / Telephonic Bid</i>	<i>Separate Bids</i>	<i>Concessions</i>
The County Code (16 P. S. §§ 1801—1803 and 2317)	18,900.00	10,200.00	18,900.00	
Second Class County Code (16 P. S. §§ 3112, 5001, 5511-A and 5517)	18,900.00	10,200.00	18,900.00	
Public School Code (24 P. S. §§ 1-119, 7-751 and 8-807.1)	18,900.00	10,200.00		
Public School Code, Thaddeus Stevens College of Technology (24 P. S. § 19-1913.1-B)	18,900.00			
Public School Code, State System of Higher Education (24 P. S. § 20.2003-A.1); HB 2325 (pending) [3]	18,900.00			
Prevention and Control of Floods, Flood Control Districts (32 P. S. §§ 662 and 662.1)	18,900.00			
Housing Authorities (35 P. S. § 1551)	18,900.00	10,200.00		
Intergovernmental Cooperation (53 Pa.C.S. §§ 2308, 2311 and 2312)	18,900.00	10,200.00		
General Municipal Law, Flood Control (53 P. S. § 2863)	18,900.00	10,200.00		
Political Subdivisions Joint Purchases Law (53 P. S. § 5432)	18,900.00	10,200.00		
Parking Authorities (53 Pa.C.S. § 5511)	25,500.00	10,200.00		
Municipal Authorities (53 Pa.C.S. § 5614)	18,900.00	10,200.00		
Public Auditorium Authorities Law (53 P. S. § 2385); HB 2324 (pending) [4]	18,900.00	10,200.00		
Third Class City Code (53 P. S. §§ 36901, 36902, 36903.1 and 36909)	18,900.00		18,900.00	
The Borough Code (53 P. S. §§ 46402 and 46405)	18,900.00	10,200.00	18,900.00	
Incorporated Towns (53 P. S. §§ 53202, 53202.1, 53203, 53203.1 and 53205)	18,900.00	10,200.00	18,900.00	
First Class Township Code (53 P. S. §§ 56802, 56803 and 56805)	18,900.00	10,200.00	18,900.00	
Second Class Township Code (53 P. S. §§ 68102 and 68107)	18,900.00	10,200.00	18,900.00	
Metropolitan Transportation Authorities (74 Pa.C.S. § 1750)	25,500.00			18,900.00

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 12-2440. Filed for public inspection December 14, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Rates of Tax on Aviation Gasoline and Jet Fuel for 2013; Oil Company Franchise Tax Rate for 2013; Alternative Fuels Tax Rates for 2013

I. Aviation Gasoline and Jet Fuels

A. Aviation Gasoline Rate for 2013

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2013 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for

use as fuel in propeller-driven piston engine aircraft or aircraft engines remains at the 2012 rate of 5.9¢¹ per gallon or fractional part thereof.

B. Jet Fuel Rate for 2013

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2013 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines remains at the rate of 2.0¢ per gallon or fractional part thereof.

¹ The rate of 5.9¢ per gallon consists of 1.5¢ per gallon tax imposed by 75 Pa.C.S. § 9004(c)(1), and the 4.4¢ per gallon additional tax imposed by 74 Pa.C.S. §§ 6121(a), (b). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

C. Calculating the 2013 Aviation Gasoline and Jet Fuel Rates

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On November 1, 2012, the most recently available 12-month period was September 2011 to September 2012, as reported in the Bureau of Labor Statistics, United States Department of Labor, Producer Price Index, September 2012, USDL-12-2032, released October 12, 2012, for which the percentage change was +7.1%. Accordingly, the 2013 aviation gasoline tax rate remains the same as the 2012 tax rate of 5.9¢ per gallon; the 2013 jet fuel tax rate will remain the same as the 2012 rate of 2.0¢ per gallon.

II. Oil Company Franchise Tax

A. Oil Company Franchise Tax Rate for 2013

The Secretary announces that for the calendar year 2013 the rate of the oil company franchise tax remains at the current rate of 19.2¢ per gallon on all liquid fuels and 26.1¢ per gallon on all fuels used or sold and delivered by distributors within this Commonwealth under 75 Pa.C.S. § 9004 (relating to imposition of tax, exemptions and deductions).

B. Calculating the 2013 Oil Company Franchise Tax Rate

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax) and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a "cents-per-gallon equivalent basis," which is defined by 75 Pa.C.S. § 9002 (relating to definitions) as:

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Average wholesale price" as previously used is defined as:

The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to

January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than 90¢ nor more than \$1.25 per gallon.

For the 12-month period ending on September 30, 2012, the Department has determined that the average wholesale price of liquid fuels and fuels was \$3.114 per gallon, which exceeds the statutory maximum of \$1.25; therefore, an average wholesale price of \$1.25 is used to compute the tax rate for 2013.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
Total Mills per Gallon:	153.5	208.5
Decimal Equivalent:	.1535	.2085
Multiply by Average Wholesale Price:	× \$1.25	× \$1.25
Product:	19.188¢	26.063¢
<i>Oil Company Franchise</i>		
Tax per Gallon		
(Rounded up to next Highest tenth)	19.2¢	26.1¢

C. Collection of Oil Company Franchise Tax

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as computed previously is collected at the same time as the liquid fuels and fuels tax of 12¢ per gallon; therefore, effective January 1, 2013 the combined rate of tax for liquid fuels (primarily gasoline) is 31.2¢ per gallon and for fuels (primarily undyed diesel fuel) is 38.1¢ per gallon.

III. Alternative Fuels Tax Rates for 2013

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon equivalent basis. Under 75 Pa.C.S. § 9002 "gallon equivalent basis" is defined as the "amount of any alternative fuel as determined by the department to contain 114,500 BTU's." The amount determined on a "gallon-equivalent-basis" for each alternative fuel is subject to liquid fuels and oil company franchise taxes currently imposed on 1 gallon of gasoline. The rate of tax on 1 gallon of gasoline during the period of this notice is 12.0¢ for the liquid fuels tax and 19.2¢ for the oil company franchise tax for a total tax of 31.2¢ per gallon of gasoline.

The 2013 tax rates for Compressed Natural Gas and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline. A GGE is the most common form of measurement for gaseous fuels at the retail level. By measuring in GGEs one may make energy and cost comparisons with gasoline.

The Secretary announces that the 2013 tax rates for alternative fuels are as follows:

<i>Alternative Fuel (Liquids)</i>	<i>Rate of Conversion (BTU/Gal of Alternative Fuel)</i>	<i>Liquid Gallon Equivalent to 1 Gallon of Gasoline @ 114,500 BTU per Gallon</i>	<i>Tax Rate per Gallon of Alternative Fuel</i>
Ethanol	76,400	1.499	\$.208
Methanol	56,560	2.024	\$.154
Propane/LPG	83,500	1.371	\$.228
E-85	80,460	1.423	\$.219
M-85	65,350	1.752	\$.178
Liquefied Natural Gas (LNG)	74,720	1.558	\$.204
Electricity	3,412 BTU/KWH	33.558 KWH	\$.0093/KWH

<i>Alternative Fuels under GGE Formula (Gaseous)</i>	<i>GGE Equivalent to One Gallon of Gasoline</i>	<i>Tax Rate per GGE</i>
Compressed Natural Gas (CNG)	1	\$.312
Hydrogen	1	\$.312

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2441. Filed for public inspection December 14, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. 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>
6-326	State Board of Education Academic Standards and Assessment 42 Pa.B. 6365 (October 6, 2012)	11/5/12	12/5/12

**State Board of Education
Regulation #6-326 (IRRC #2976)
Academic Standards and Assessment
December 5, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the October 6, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

1. Fiscal impact of the regulation.

The Board's response to Regulatory Analysis Form (RAF) Question #20 states that the proposed regulation will not impose any new costs on school districts; however, commentators raise concerns about the costs of this regulation, including costs for such procedures as re-designing curriculum, remediation and project-based assessments. We agree that the RAF does not adequately address fiscal impacts. We ask the Board to consult with the regulated community to gain a thorough understanding of the fiscal impacts of this proposal and include those findings in the RAF submitted with the final-form regulation.

2. Need for the regulation; Acceptable data.

Much of the opposition to this regulation stems from concerns that these proposed changes alter the nature of the Keystone Exams from one indicator of student achievement to high-stakes exit exams. In the Preamble and RAF #18, the Board cites a 2006 study in support of this proposed change, stating, "There is strong evidence that 'high stakes' testing or requiring passage of a test or exam in order to achieve high school graduation can be a 'potent policy in terms of bringing about real positive changes in student learning.'" However, a commentator noted that "empirical research . . . continues to suggest that multiple measures of student achievement and knowledge are more accurate and reliable." Another commentator questions whether the Board and the Department of Education (Department) have conducted studies related to the validity or reliability of the Keystone Exams for use as high stakes assessments or for determining college or career readiness. The commentator notes that as a stand-alone exit exam, the Keystone Exams could have unintended consequences such as increased dropout rates, narrowed curricula, diversion of resources away from education of students and toward more standardized testing of students, and disproportionate harm to some of the more vulnerable students, such

as those living in poverty, minority students, English language learners and special needs students.

Public commentators have raised valid concerns about the impact of making Keystone Exams high stakes exit exams. We have similar concerns, including that the Board cites a 2006 study which shows that high stakes testing may bring about changes in learning. We further question the basis on which the Board is making this significant change to the nature of the Keystone Exams since the Board did not provide supporting evidence in its response to RAF #28 regarding data. We ask the Board to explain in detail why this change is needed, and to provide acceptable data that supports high stakes exams as graduation requirements.

3. Implementation procedures.

According to Section 4.51 (e)(14) of the rulemaking:

The Department will seek to have the Keystone [Exam system] Exams approved as the high school level single accountability system under the No Child Left Behind Act of 2001. Upon approval by the United States Department of Education, the Algebra I and Literature exams will be used to determine adequate yearly progress at the high school level.

This language first appeared in Section 4.51 of the final-form rulemaking published at 40 Pa.B. 240 on January 9, 2010. Since the Board amended this provision but did not amend its statement that it “will seek” approval, we ask if the Board has received approval from the United States Department of Education (USDOE) to use Keystone Exams as the adequate yearly progress (AYP) assessment system? If not, when does the Board expect to receive a decision from the USDOE on this request?

Commentators express concern that the Keystone Exams have not yet been approved by the USDOE to replace the Pennsylvania System of School Assessment (PSSA) as the measure of proficiency when the proposed rulemaking does just that. One commentator states that Pennsylvania’s current federally-approved accountability plans mandate administration of the PSSA, and, therefore, questions the Department’s authority to make these changes at this time. The commentator states that the Department risks denial of the plans, as well as penalties.

If the Board has not received federal approval prior to submitting the final-form regulation, the Board should explain in the Preamble how the Board’s decision to move forward without federal approval is in the best interest of Pennsylvania’s schools, students and other stakeholders. What potential penalties and costs would the Department face if denied by the USDOE? In the Preamble to the final-form regulation, we ask the Board to explain how schools would be expected to implement this rulemaking if it is not in alignment with the State’s current federally-approved accountability plans. Further, the Board should explain how the benefits of moving forward with the Keystone Exams, which are an unapproved measure of AYP, outweigh the risks of the USDOE denying the Board’s request.

4. Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.

A major component of this proposed rulemaking is the Board’s decision to replace existing language that states a Keystone Exam counts for at least one third of a course

grade with the mandate that a student will demonstrate proficiency on a Keystone Exam to graduate. We question whether this change represents a policy decision of such a substantial nature that it requires legislative review. When the House and Senate Education Committees are designated for the 2013-2014 legislative session, we urge the Board to share this proposal with those Committees and to seek their input. We also suggest that the proposal be shared with all members of the General Assembly before the final-form rulemaking is delivered for consideration.

5. Section 4.3. Definitions.—Clarity.

Under the Board’s existing regulations, the term “Keystone Exams” is defined as, “State-developed end-of-course exams.” Since Keystone Exams serve as part of the State assessment system and now also as a graduation requirement, we suggest that the definition be expanded to fully reflect the purpose and use of the exams.

6. Section 4.4. General policies.—Need.

As noted by the Board, Subsection (d)(4) is being rewritten to strengthen the security of the State assessment by narrowing and refining parents and guardians’ rights to review the assessments. We ask the Board to explain the need for this change. What problem is being addressed?

7. Section 4.13. Strategic plans.—Need; Implementation procedures; Clarity.

Amendments to this section of the proposed regulation eliminate the strategic plan requirements and provide references to other sections of the Board’s regulations that still require specific plans for professional education, induction, student services, special education and gifted education. Commentators raise concerns that strategic plans establish a form of accountability, such that schools must provide the public with information about planned instruction, assessment, professional personnel and other resources, as well as instructional supports and measurable goals to improve student achievement. The Preamble to the final-form regulation should provide an explanation of why the Board is deleting these requirements. Since there will no longer be a required 28-day minimum public inspection period, will stakeholders still have an opportunity to participate in the development and review of the other plans before the plans are implemented or submitted to the Department or Secretary?

We note that if the Board continues with its proposal to eliminate the strategic plan requirements from Chapter 4, the Board should update related provisions in existing regulations, including Chapters 12, 14, 16 and 49.

8. Section 4.24. High school graduation requirements.—Reasonableness of the regulation; Implementation procedures; Need; Clarity.

Subsection (a)

This subsection requires each school district, Area Vocational Technical School and charter school, including a cyber charter school, to specify requirements for graduation. The existing regulations require the requirements to be part of a school’s strategic plan. Since strategic plans are being eliminated, as noted above, where must a school’s graduation requirements be specified? This should be clarified in the final-form rulemaking.

Subsection (c)

Under Subparagraph (c)(1)(ii), the Board is proposing to eliminate the culminating project as a graduation requirement beginning in the 2016-2017 school year. However, the Preamble does not explain why it is being eliminated. We ask the Board to explain the basis for this decision.

Subsection (h)

A commentator raises several concerns regarding the reporting of testing results on student transcripts under Subsection (h). We agree that the provision addressing transcripts is unclear. In the final-form regulation, the Board should clarify how it intends for schools to implement the required reporting of testing results on transcripts. In other words, would schools report a student's result using only a scaled score, only a performance level (such as proficient versus non-proficient), a scaled score and performance level, or a scaled score with a chart showing proficiency ranges? Would all schools report using the same method or would each school choose its reporting method?

If schools report results using only performance level, then ideally all students' transcripts would report them as being proficient. The Board should explain in the Preamble why this method of reporting would be in the best interest of students and those who would use transcripts as a means of evaluation.

In addition, since students can demonstrate proficiency by testing at that level on a Keystone Exam or by completing a project-based assessment under § 4.51 (m), will the transcripts denote the manner in which proficiency was achieved? The final-form regulation should clarify these issues.

Subsection (l)

This subsection addresses students who transfer from out-of-State schools and have demonstrated proficiency on an assessment congruent with academic standards assessed by each Keystone Exam. It states that the Secretary of Education will develop guidelines to address this issue and the guidelines will be submitted to the Board for approval or disapproval. Will the guidelines be in place prior to the completion of this regulatory package?

9. Section 4.51. State assessment system.—Clarity; Implementation procedures; Reasonableness.*Clarity*

This section of the rulemaking addresses several topics including:

- State assessments as measured by the PSSA;
- State assessments as measured by the Keystone Exams;
- Supplemental instruction for students that did not score proficient on a Keystone Exam;
- Keystone Exams as a graduation requirement;
- The development of additional Keystone Exams subject to funding by the General Assembly;
- Project-based assessments; and
- Waivers.

In order to assist the regulated community with compliance, we ask the Board to consider breaking this complex section of Chapter 4 into more easily understandable and more specific sections.

In addition, we note that certain terms are used in a generic way when a more precise, defined term would be clearer. For example, Subsection (a) references the undefined term "state assessment system," Subsection (b) uses the undefined term "PSSA instruments" and other subsections make reference to performance on PSSA English Language Arts assessments, PSSA mathematics assessments and PSSA science assessments. As noted above, the existing definition of Keystone Exams is also limited. It is our understanding that as the Commonwealth transitions from the use of PSSAs to Keystone Exams at the high school level, the use of PSSAs at the elementary and middle school level will continue. As the Board develops the final-form rulemaking, we ask that it pay particular attention to the use of these terms and provide the necessary clarity in the regulation so that the regulated community can understand and comply with what is required.

Implementation procedures

It is our understanding that if a student takes a Keystone Exam prior to their 11th grade year and scores proficient on that exam, the score can be "banked" and used by the school entity for determining AYP when that student is in 11th grade. However, the proposed regulation does not reference this option or provide any direction on how it will be administered. If scores could be "banked," we suggest that the final-form regulation specify how "banking" must be administered.

Subsection (a)

This subsection states that the "State assessment system" is designed to serve six specific purposes. It does not reference the fact that the State assessment system, through the administration of the Keystone Exams, will also serve as a graduation requirement. We suggest that Subsection (a) be amended to reflect the fact that the State assessment system is tied into graduation requirements.

Subsection (m)

Subsection (m)(3) pertains to students below grade 12 that have not demonstrated proficiency on Keystone Exams or Keystone Exam modules after at least two attempts and that student's qualification for project-based assessments. One of the qualifications is that the student has participated in a satisfactory manner in supplemental instruction for at least two years. We are concerned that the two-year requirement for supplemental instruction before a student can qualify for a project-based assessment would be an unreasonable requirement. If the student has already failed to meet the proficient level on two previous occasions after receiving supplemental instruction, will additional supplemental instruction be of any benefit to that student compared to beginning a project-based assessment? Will the additional supplemental instruction interfere with other course work the student is trying to complete? We ask the Board to consider the overall impact the two-year supplemental instruction requirement will have on students and provide an explanation of why the two-year duration of the supplemental instruction is reasonable.

Subsection (n)

This subsection, and Subsection (k) of § 4.24, pertaining to graduation requirements, address waivers for students that have not scored proficient on Keystone Exams or project-based assessments. What is the need for including waiver provisions in both sections of the regulation? Has the Board considered consolidating the waiver provisions under one section of the regulation? At a minimum, we ask the Board to review both sections pertaining to waivers and to ensure they are consistent and do not conflict with each other.

10. Miscellaneous clarity.

• The Board's response to RAF #8 provides an incorrect citation of its statutory authority for the regulation. The Board should provide a corrected citation in the RAF when it returns the final-form regulation.

• The Board's existing Chapter 4 regulations include Appendix A, relating to Academic Standards for Reading, Writing, Speaking and Listening. The Preamble to this rulemaking notes that the existing Appendix A will be replaced by a new Appendix A, related to Pennsylvania Common Core Standards for English Language Arts and Mathematics. The Annex to this proposed rulemaking is not formatted to show that the existing Appendix A is being deleted and replaced by a new Appendix A. The final-form rulemaking should be formatted to show the Board's intended change to Appendix A.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2442. Filed for public inspection December 14, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-479	Environmental Quality Board Emergency Response Planning at Unconventional Well Sites	11/29/12	*TBD

*The public meeting date for this regulation can only be determined after the standing committees are designated for the 2013-2014 Legislative Session.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2443. Filed for public inspection December 14, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of 515-517 Conchester, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2002-0049(M); Doc. No. UT12-11-024

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency of Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant provisions of law.

A prehearing telephone conference will be held on January 29, 2013, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, at the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before January 15, 2013. Answers to petitions to intervene, if any, shall be filed on or before January 28, 2013.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2444. Filed for public inspection December 14, 2012, 9:00 a.m.]

Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 29, 2012, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The Bureau requests an overall 12.6% decrease in collectible loss costs, effective April 1, 2013, on a new and renewal basis. Also, the Bureau has calculated the Employer Assessment Factor effective April 1, 2013, to be 2.62%, as compared to the currently approved provision of 2.24%.

The entire April 1, 2013, loss cost filing is available for review on the Bureau's web site at www.cmcrbpa.com under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2445. Filed for public inspection December 14, 2012, 9:00 a.m.]

Keystone Health Plan Central; HMO Conversion Rate Filing

Keystone Health Plan Central requests approval to increase the rate for the HMO Conversion Plans. The average requested rate increase is 9.9%. The proposed rate increases would affect approximately 149 policyholders and would produce additional income of about \$112,000 annually. The requested effective date of the change is February 1, 2013.

Unless formal administrative action is taken prior to February 28, 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 Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2446. Filed for public inspection December 14, 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-12-017, Dated November 5, 2012. Authorizes the 2011-2015 AFSCME Side Letter for Temporary Clerical and Adjunct Custodial Pool Employees. *Governor's Office*

Management Directive 260.1—Reorganization Requests, Amended November 8, 2012.

Management Directive 520.8—Pay Action Effective Dates for Changes to Position Classifications and the Commonwealth's Classification and Compensation Plan, Amended November 2, 2012.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 12-2447. Filed for public inspection December 14, 2012, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Montgomery County, Wine & Spirits Store #4614 (Relocation), Bala Cynwyd, PA 19147

Lease entered 90-day status effective May 1, 2012

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 to 15,000 net useable square feet of new or existing retail commercial space within a 0.25-mile radius of City and Bryn Mawr Avenues, Lower Merion Township, Bala Cynwyd, PA

Proposals due: January 4, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate, Real Estate Region #1, 7116 Ridge Avenue, Philadelphia, PA 19128-3250
Contact: Henry Blocker, Jr., (215) 482-9670, hblocker@pa.gov

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 12-2448. Filed for public inspection December 14, 2012, 9:00 a.m.]

PENNSYLVANIA CONVENTION CENTER AUTHORITY

Statements of Net Assets

As of June 30, 2012 and 2011

	<u>2012</u>	<u>2011</u>
<i>Assets</i>		
Cash and cash equivalents	\$29,947,762	\$33,346,750
Receivables, net	6,067,075	3,786,151
Total current assets	36,014,837	37,132,901
Prepaid expenses and other assets	672,626	861,677
Property, plant and equipment	923,639,001	915,305,106
Less: Accumulated depreciation	(196,202,986)	(168,315,162)
	<u>727,436,015</u>	<u>746,989,944</u>
>Welcome Fund receivable	122,000,000	122,000,000
Total assets	<u>886,123,478</u>	<u>906,984,522</u>
<i>Liabilities and Fund Net Assets</i>		
Accounts payable and other accrued expenses	9,456,580	10,747,599
Operating agreement liability	8,449,445	3,334,311
Deferred revenue	1,820,149	3,036,470
Current portion of term loan payable	143,752	610,391
Current portion of net OPEB liability	160,690	157,532
Total current liabilities	20,030,617	17,886,303
Loan payable	123,345,856	127,389,609
Net OPEB liability	3,105,147	2,641,682
Total liabilities	<u>146,481,620</u>	<u>147,917,594</u>
Restricted fund net assets	<u>\$ 739,641,858</u>	<u>\$ 759,066,928</u>

The accompanying notes are an integral part of these financial statements.

Statements of Revenues, Expenses, and Changes in Fund Net Assets For the Years Ended June 30, 2012 and 2011

	<u>2012</u>	<u>2011</u>
<i>Operating Revenues</i>		
<i>Convention Center events</i>		
Space license fees	\$7,252,750	\$5,073,090
Commissions	6,639,678	4,382,860
Other	655,453	423,688
Total operating revenues	14,547,881	9,879,638
Operating expenses	32,009,464	28,026,487
Operating loss	(17,461,583)	(18,146,849)
Depreciation	27,887,824	17,566,517
Operating loss after depreciation	(45,349,407)	(35,713,366)
<i>Non-Operating Revenue (Expense)</i>		
Hotel tax income	27,365,574	24,165,787
Interest income	13,972	123,262
Operating agreement revenue (expense)	297,176	(3,224,987)
Interest expense	(221,009)	(88,970)
Grant income	1,633,068	1,994,614
Welcome Fund loan interest and fee revenue	(1,855,415)	1,855,415
Welcome Fund loan interest and fee expense	1,855,415	(1,855,415)
Other expenses	(3,164,444)	(1,580,065)
Other income	-	500,000
Total non-operating revenue, net	<u>25,924,337</u>	<u>21,889,641</u>

	2012	2011
Decrease in net assets before contributions	(19,425,070)	(13,823,725)
Capital contributions	-	86,027,787
(Decrease) increase in net assets	(19,425,070)	72,204,062
Restricted fund net assets, beginning of year	759,066,928	686,862,866
Restricted fund net assets, end of year	\$739,641,858	\$759,066,928

The accompanying notes are an integral part of these financial statements.

GREGORY J. FOX,
Chairperson

[Pa.B. Doc. No. 12-2449. Filed for public inspection December 14, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Service Program

P-2012-2332010. UGI Utilities, Inc.—Electric Division. Petition of UGI Utilities, Inc.—Electric Division for approval of a default service program for the periods of June 1, 2013, through May 31, 2014, for default service customers with peak loads in excess of 500kW.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before December 31, 2012. The documents filed in support of the petition 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 petitioner’s business address.

Applicant: UGI Utilities, Inc.—Electric Division

Through and by Counsel: Mark C. Morrow, UGI Corporation, 460 North Gulph Road, King of Prussia, PA 19406

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Wednesday, January 2, 2013

Time: 10 a.m.

Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge Susan D. Colwell
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling

office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399

- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2450. Filed for public inspection December 14, 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:

Total Call Mobile, Inc.—Doc. No. P-2012-2325464

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 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. 12-2451. Filed for public inspection December 14, 2012, 9:00 a.m.]

Intra-Company Transactions

A-2012-2337323, A-2012-2337324 and A-2012-2337325. Zayo Group, LLC, AboveNet Communications, Inc. and 360networks (USA), Inc. Joint application of Zayo Group, LLC, AboveNet Communications, Inc. and 360networks (USA), Inc. for certain pro forma intra-company transactions.

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 December 31, 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.

Applicants: Zayo Group, LLC, AboveNet Communications, Inc., 360networks (USA), Inc.

Through and By Counsel: Daniel P. Delaney, Esquire, K&L Gates, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2452. Filed for public inspection December 14, 2012, 9:00 a.m.]

Petition for Finding

P-2012-2337075. PPL Electric Utilities. Petition of PPL Electric Utilities for a finding that a gas insulated switchyard building and a building to shelter control equipment at the proposed Sunbury 500 kV gas insulated switchyard to be constructed in Monroe Township, Snyder 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 December 31, 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, PC, Four Penn Center, 1600 JFK Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Christopher T. Wright, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2453. Filed for public inspection December 14, 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 January 2, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2012-2325270. P.M. Transportation Services, Inc. (2845 North Rosehill Street, Philadelphia, Philadelphia County, PA 19134-3439)—persons, in paratransit service, between points in the Counties of Philadelphia, Delaware, Bucks and Montgomery.

A-2012-2325313. Leroy Campbell and Javian A. Armstrong, Co-Partners (100 Sunset Avenue, Apt. C, Chambersburg, PA 17202) for the right to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand service, in the Boroughs of Orrstown, Franklin County and Newburg, Cumberland County, the Townships of Southampton and Lugan, Franklin County, the Township of Hopewell, Cumberland County and the Borough of Shippensburg, Cumberland and Franklin Counties.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2454. Filed for public inspection December 14, 2012, 9:00 a.m.]

Transfer of Control

A-2012-2337337. Sprint Communications Company, LP. Application of Sprint Communications Company, LP for approval of a general rule indirect transfer of control.

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 December 31, 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.

Applicants: Sprint Communications Company, LP

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2455. Filed for public inspection December 14, 2012, 9:00 a.m.]

Transfer of Stock

A-2012-2337363 and A-2012-2337364. Total Call International, Inc. and KDDI America, Inc. Joint application of Total Call International, Inc. and KDDI America, Inc. for approval of a transfer of up to 49% of Total Call International, Inc.'s issued and outstanding stock to KDDI America, Inc.

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 December 31, 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.

Applicants: Total Call International, Inc., KDDI America, Inc.

Through and By Counsel: Lance J. M. Steinhart, Esquire, Lance J. M. Steinhart, PC, 1725 Windward Concourse, Suite 150, Alpharetta, GA 30005

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2456. Filed for public inspection December 14, 2012, 9:00 a.m.]

Water Service

A-2012-2337446. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Lancaster Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 31, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2457. Filed for public inspection December 14, 2012, 9:00 a.m.]

**STATE BOARD
OF MEDICINE****Bureau of Professional and Occupational Affairs v.
Roger W. Farris, II, MD; Doc. No. 0454-49-12**

On September 20, 2012, Roger W. Farris, II, MD, license no. MD429454L, of Waynesboro, WV, had his license revoked based on his felony conviction and pleading guilty to a crime involving immoral conduct.

Individuals may obtain a copy of the final order by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JAMES W. FREEMAN, MD,
Chairperson

[Pa.B. Doc. No. 12-2458. Filed for public inspection December 14, 2012, 9:00 a.m.]

**STATE BOARD
OF NURSING****Bureau of Professional and Occupational Affairs v.
Karry Ann Fisher, RN; Doc. No. 0071-51-12**

On July 24, 2012, Karry Ann Fisher, license no. RN524905L, of Hershey, Dauphin County and Palmyra, Lebanon County was indefinitely suspended retroactive to March 6, 2012, based on findings that she is unable to practice professional nursing with reasonable skill and safety.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-2459. Filed for public inspection December 14, 2012, 9:00 a.m.]

STATE POLICE

Sex Offender Registration Approved Registration Sites

The Commissioner of the State Police, under 42 Pa.C.S. § 9799.23 (relating to court notification and classification requirements), shall publish a list of approved registration sites located throughout this Commonwealth where an individual subject to the requirements of 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders) can report to fulfill his sex offender registration requirements. This notice is effective December 20, 2012.

The list of approved registration/verification sites now includes several new locations, including some county sheriff's offices, county probation offices and municipal police departments. The list of sites will be periodically updated as new locations are added. Prior to going to a site, it is recommended that individuals call the site to ensure that it is currently open to the public or that a registering official is there to process the individuals, or both.

The approved registration sites are as follows:

<i>County</i>	<i>Registration Site</i>	<i>Address</i>	<i>City</i>	<i>Zip</i>	<i>Phone</i>
Adams	State Police Gettysburg	3033 Old Harrisburg Road	Gettysburg	17325	717-334-8111
Adams	Adams County Prison— Central Booking	45 Major Bell Lane	Gettysburg	17325	717-334-7671 Ext. 6
Allegheny	State Police Pittsburgh	449 McCormick Road	Moon Township	15108	412-787-2000
Allegheny	Allegheny County ID Section, Walk-in Daily 8 a.m.—12 p.m., and 4 p.m.—8 p.m.	660 First Avenue, Municipal Courts Building, 3rd Floor	Pittsburgh	15219	412-350-6700
Armstrong	State Police Kittanning	184 Nolte Drive	Kittanning	16201	724-543-2011
Armstrong	Armstrong County Adult Probation	500 East Market Street	Kittanning	16201	724-548-3491
Beaver	State Police Beaver	1400 Brighton Road	Beaver	15009	724-773-7400
Beaver	Beaver County Sheriff— Regional Booking Center	6000 Woodlawn Boulevard	Aliquippa	15001	724-512-2391
Bedford	State Police Bedford	171 Arthur L. Hershey Drive	Bedford	15522	814-623-6133
Bedford	Bedford County Adult Probation	200 South Juliana Street	Bedford	15522	814-623-4830
Berks	State Police Reading	600 Kenhorst Boulevard	Reading	19611	610-378-4011
Berks	State Police Hamburg	90 Industrial Drive	Hamburg	19526	610-562-6885
Berks	Berks County Sheriff's Department	633 Court Street	Reading	19601	610-478-6240
Blair	State Police Hollidaysburg	1510 North Juniata Street	Hollidaysburg	16648	814-696-6100
Blair	Blair County Prison	419 Market Square Alley	Hollidaysburg	16648	814-693-3155
Bradford	State Police Towanda	101 Hawkins Road	Towanda	18848	570-265-2186
Bradford	Bradford County Adult Probation	301 Main Street	Towanda	18848	570-265-1706
Bucks	State Police Trevoise	3501 Neshaminy Boulevard	Bensalem	19020	215-942-3900
Bucks	State Police Dublin	3218 Rickert Road	Perkasie	18944	215-249-9191
Bucks	Bucks County Department of Corrections	1730 South Easton Road, Building L	Doylestown	18901	215-340-8480
Bucks	Bensalem Township Police	2400 Byberry Road	Bensalem	19020	215-633-3700
Bucks	Falls Township Police	188 Lincoln Highway	Fairless Hills	19030	215-949-9100 Ext. 414
Butler	State Police Butler	200 Barracks Road	Butler	16001	724-284-8100
Butler	Cranberry Township Police	2525 Rochester Road, Suite 500	Cranberry Township	16066	724-776-5180
Butler	Butler County Probation— Parole Office	203 South Washington Street	Butler	16001	724-284-5259
Butler	Butler County Prison	202 South Washington Street	Butler	16001	724-284-5256

<i>County</i>	<i>Registration Site</i>	<i>Address</i>	<i>City</i>	<i>Zip</i>	<i>Phone</i>
Cambria	State Police Ebensburg	100 Casale Court	Ebensburg	15931	814-471-6500
Cambria	Cambria County Prison	425 Manor Drive	Ebensburg	15931	814-472-7330
Cameron	State Police Emporium	12921 Route 120	Emporium	15834	814-486-3321
Carbon	State Police Lehighton	5730 Interchange Road	Lehighton	18235	610-377-4270
Carbon	Carbon County Correctional Facility	331 Broad Street	Nesquehoning	18240	570-325-2211
Centre	State Police Philipsburg	3104 Port Matilda Highway	Philipsburg	16866	814-342-3370
Centre	State Police Rockview	745 South Eagle Valley Road	Bellefonte	16823	814-355-7545
Centre	Centre County Central Booking	700 Rishel Hill Road	Bellefonte	16823	814-548-1186
Chester	State Police Embreeville	997 Lieds Road	Coatesville	19320	484-340-3241
Chester	State Police Avondale	2 Moxley Lane	Avondale	19311	610-268-2022
Chester	Coatesville Police	1 City Hall Place	Coatesville	19320	610-384-2300
Chester	West Goshen Township Police	1025 Paoli Pike	West Chester	19380	610-696-7400
Chester	Chester County Prison	501 South Wawaset Road	West Chester	19382	610-793-1510
Clarion	State Police Clarion	209 Commerce Road	Clarion	16214	814-226-1710
Clarion	Clarion County Prison	309 Amsler Avenue	Shippenville	16254	814-226-9615
Clearfield	State Police Clearfield	147 Doe Hill Road	Woodland	16881	814-857-3800
Clearfield	Clearfield County Prison	115 21st Street	Clearfield	16830	814-765-7891
Clinton	State Police Lamar	7127 Nittany Valley Drive	Mill Hall	17751	570-726-6000
Clinton	Clinton County Prison—Central Booking	58 Pine Mountain Road	McElhattan	17748	570-769-7680
Columbia	State Police Bloomsburg	6850 Hidlay Church Road	Bloomsburg	17815	570-387-4701
Columbia	Bloomsburg Police	301 East 2nd Street	Bloomsburg	17815	570-784-4155
Crawford	State Police Meadville	11176 Murray Road	Meadville	16335	814-332-6911
Crawford	Crawford County Probation	903 Diamond Park	Meadville	16335	814-333-7350
Cumberland	State Police Carlisle	1538 Commerce Avenue	Carlisle	17015	717-249-2121
Cumberland	Cumberland County Prison	1101 Claremont Road	Carlisle	19015	717-245-8787
Dauphin	State Police Harrisburg	8000 Bretz Drive	Harrisburg	17112	717-671-7500
Dauphin	State Police Lykens	301 State Drive	Elizabethville	17023	717-362-8700
Dauphin	Dauphin County Work Release Center	919 Gibson Boulevard	Harrisburg	17113	717-780-7001
Delaware	State Police Media	1342 West Baltimore Pike	Media	19063	484-840-1000
Delaware	Delaware County Probation	201 West Front Street	Media	19063	610-891-4590
Elk	State Police Ridgway	15010 Boot Jack Road	Ridgway	15853	814-776-6136
Erie	State Police Erie	4320 Iroquois Avenue	Erie	16511	814-898-1641
Erie	State Police Corry	11088 Route 6 East	Union City	16438	814-663-2043
Erie	State Police Girard	5950 Meadville Road	Girard	16417	814-774-9611
Erie	Erie County Sheriff's Department	140 W. 6th Street, Room 400	Erie	16501	814-351-6005
Fayette	State Police Uniontown	1070 Eberly Way	Lemont Furnace	15456	724-439-7111
Fayette	Uniontown City Police	45 East Penn Street	Uniontown	15401	724-430-2929
Forest	State Police Marienville	4956 State Route 899	Marienville	16239	814-927-5253
Franklin	State Police Chambersburg	679 Franklin Farm Lane	Chambersburg	17202	717-264-5161
Franklin	Franklin County Sheriff's Department	157 Lincoln Way East	Chambersburg	17201	717-261-3877
Fulton	State Police McConnellsburg	23170 Great Cove Road	McConnellsburg	17233	717-485-3131

<i>County</i>	<i>Registration Site</i>	<i>Address</i>	<i>City</i>	<i>Zip</i>	<i>Phone</i>
Fulton	Fulton County Sheriff's Department	207 North 2nd Street	McConnellsburg	17233	717-485-4221
Greene	State Police Waynesburg	255 Elm Drive	Waynesburg	15370	724-627-6151
Greene	Greene County Courthouse	10 East High Street, Room 103	Waynesburg	15370	724-852-5250
Huntingdon	State Police Huntingdon	10637 Raystown Road	Huntingdon	16652	814-627-3161
Huntingdon	Huntingdon County Sheriff's Department	241 Mifflin Street, Suite 1	Huntingdon	16652	814-643-0880
Indiana	State Police Indiana	4221 Route 286 Highway West	Indiana	15701	724-357-1960
Indiana	Indiana County Probation	825 Philadelphia Street	Indiana	15701	724-465-3820
Jefferson	State Police DuBois	101 Preston Way	Falls Creek	15840	814-371-4652
Jefferson	State Police Punxsutawney	485 North Findley Street	Punxsutawney	15767	814-938-0510
Jefferson	Jefferson County Prison	578 Service Center Road	Brookville	15825	814-849-1933
Juniata	State Police Lewistown	34 Arch Rock Road	Mifflintown	17059	717-320-1010
Juniata	Juniata County 911 Center	11 North 3rd Street	Mifflintown	17059	717-436-7770
Lackawanna	State Police Dunmore	85 Keystone Industrial Park	Dunmore	18512	570-963-3156
Lackawanna	Scranton Police	100 South Washington Avenue	Scranton	18503	570-348-4134
Lackawanna	Lackawanna County Probation	130 North Washington Avenue	Scranton	18503	570-963-6876
Lancaster	State Police Lancaster	2099 Lincoln Highway East	Lancaster	17602	717-299-7650
Lancaster	Lancaster City Police	39 West Chestnut Street	Lancaster	17603	717-735-3300
Lancaster	Lancaster County Probation	40 East King Street	Lancaster	17603	717-299-8181
Lawrence	State Police New Castle	3539 Wilmington Road	New Castle	16105	724-598-2211
Lawrence	Lawrence County Adult Probation	430 Court Street	New Castle	16101	724-656-2173
Lebanon	State Police Jonestown	3185 State Route 72	Jonestown	17038	717-865-2194
Lebanon	Lebanon County Central Booking	400 South 8th Street	Lebanon	17042	717-228-4413
Lehigh	State Police Fogelsville	8320 Schantz Road	Breinigsville	18031	610-395-1438
Lehigh	State Police Bethlehem	2930 Airport Road	Bethlehem	18017	610-861-2026
Lehigh	Lehigh County Prison— Central Booking	38 North 4th Street	Allentown	18102	610-782-3270
Luzerne	State Police Hazleton	250 Dessen Drive	West Hazleton	18202	570-459-3890
Luzerne	State Police Shickshinny	872 Salem Boulevard	Berwick	18603	570-542-7105
Luzerne	State Police Wyoming	475 Wyoming Avenue	Wyoming	18644	570-697-2000
Luzerne	Luzerne County Prison	99 Water Street	Wilkes-Barre	18702	570-829-7750
Lycoming	State Police Montoursville	899 Cherry Street	Montoursville	17754	570-368-5700
Lycoming	Old Lycoming Township Police Department	1951 Green Avenue	Williamsport	17701	570-323-4987
McKean	State Police Kane	3178 Route 219	Kane	16735	814-778-5555
McKean	McKean County Prison	17013 Route 6	Smethport	16749	814-887-2333
Mercer	State Police Mercer	826 Franklin Road	Mercer	16137	724-662-6162
Mifflin	Mifflin County Prison	103 West Market Street	Lewistown	17044	717-248-1130
Monroe	State Police Swiftwater	113 Enforcer Lane	Swiftwater	18370	570-839-7701
Monroe	State Police Fern Ridge	127 Parkside Avenue	Blakeslee	18610	570-646-2271
Monroe	Monroe County Prison	4250 Manor Drive	Stroudsburg	18360	570-992-3232
Montgomery	State Police Skippack	2047C Bridge Road	Schwenksville	19473	610-410-3835

NOTICES

7631

<i>County</i>	<i>Registration Site</i>	<i>Address</i>	<i>City</i>	<i>Zip</i>	<i>Phone</i>
Montgomery	Abington Township Police	1166 Old York Road	Abington	19001	267-536-1100
Montgomery	Plymouth Township Police	700 Belvoir Road	Plymouth Meeting	19462	610-279-1901
Montgomery	Montgomery County Adult Probation	100 Ross Road, Suite 120	King of Prussia	19406	610-992-7777
Northampton	Northampton County Prison	666 Walnut Street	Easton	18042	610-923-4300
Northampton	State Police Belfast	654 Bangor Road	Nazareth	18064	610-258-0816
Northumberland	State Police Stonington	2465 State Route 61	Sunbury	17801	570-286-5601
Northumberland	State Police Milton	50 Lawton Lane	Milton	17847	570-524-2662
Northumberland	Sunbury Police	440 Market Street	Sunbury	17801	570-286-4584
Perry	State Police Newport	52 Red Hill Court	Newport	17074	717-567-3110
Perry	Perry County Courthouse	2 East Main Street	New Bloomfield	17068	717-582-2131
Philadelphia	State Police Philadelphia	2201 Belmont Avenue	Philadelphia	19131	215-965-5870
Pike	State Police Blooming Grove	434 Route 402	Hawley	18428	570-226-5720
Pike	Pike County Probation	506 Broad Street	Milford	18337	570-296-7412
Potter	State Police Coudersport	3140 East Second Street	Coudersport	16915	814-274-8690
Potter	Potter County Adult Probation	1 North Main Street	Coudersport	16915	814-274-8791
Schuylkill	State Police Schuylkill Haven	23 Meadowbrook Drive	Schuylkill Haven	17972	570-593-2000
Schuylkill	State Police Frackville	31 Eleanor Drive	Frackville	17931	570-874-5300
Schuylkill	Schuylkill County Sheriff's Department	401 North 2nd Street	Pottsville	17901	570-628-1440
Snyder	State Police Selinsgrove	204 Universal Road	Selinsgrove	17870	570-374-8145
Snyder	Snyder County Sheriff's Department	12 South Main Street	Middleburg	17842	570-837-3311
Somerset	State Police Somerset	142 Sagamore Street	Somerset	15501	814-445-4104
Somerset	Somerset Borough Police	340 West Union Street	Somerset	15501	814-445-4596
Sullivan	State Police Laporte	5837 Route 220	Laporte	18626	570-946-4610
Susquehanna	State Police Gibson	2856 State Route 848	New Milford	18834	570-465-3154
Susquehanna	Susquehanna County Adult Probation	81 Public Avenue	Montrose	18801	570-278-4600
Tioga	State Police Mansfield	1745 Valley Road	Mansfield	16933	570-662-2151
Tioga	Tioga County Probation Department	118 Main Street	Wellsboro	16901	570-724-9340
Union	Union County Courthouse / Prison	103 South Second Street	Lewisburg	17837	570-524-8716
Venango	State Police Franklin	6724 US 322	Franklin	16323	814-676-6596
Warren	State Police Warren	22001 Route 6	Warren	16365	814-728-3600
Warren	Warren County Prison	407 Market Street	Warren	16365	814-723-2486
Washington	State Police Washington	83 Murtland Avenue	Washington	15301	724-223-5200
Washington	Washington County Booking Center	29 West Cherry Avenue, Suite 209	Washington	15301	724-229-5931
Wayne	State Police Honesdale	14 Collan Park	Honesdale	18431	570-251-7207
Wayne	Wayne County Courthouse	925 Court Street	Honesdale	18431	570-253-5970
Westmoreland	State Police Greensburg	100 North Westmoreland Avenue	Greensburg	15601	724-832-3288
Westmoreland	State Police Belle Vernon	560 Circle Drive	Belle Vernon	15012	724-929-6262
Westmoreland	State Police Kiski Valley	4451 Route 66	Apollo	15613	724-727-3434
Westmoreland	Westmoreland County Sheriff's Department	2 North Main Street	Greensburg	15601	724-830-3457

NOTICES

<i>County</i>	<i>Registration Site</i>	<i>Address</i>	<i>City</i>	<i>Zip</i>	<i>Phone</i>
Wyoming	State Police Tunkhannock	6039 State Route 6	Tunkhannock	18657	570-836-2141
Wyoming	Wyoming County Sheriff's Department	1 Courthouse Square	Tunkhannock	18657	570-996-2265
York	State Police York	110 Trooper Court	York	17403	717-428-1011
York	York County Sheriff's Department	45 North George Street	York	17401	717-771-9601

COL. FRANK NOONAN,
Commissioner

[Pa.B. Doc. No. 12-2460. Filed for public inspection December 14, 2012, 9:00 a.m.]