

PENNSYLVANIA BULLETIN

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Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of State
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Independent Regulatory Review Commission
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State Conservation Commission

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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 457, December 2012

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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

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 9, 15 AND 17]

Order Amending Rules 901, 1501, 1512, 1516, 1517 and 1541 and Adopting New Rule 1770 of the Rules of Appellate Procedure; No. 221 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2012, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 41 Pa.B. 3968 (July 23, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 901, 1501, 1512, 1516, 1517 and 1541 are amended, and proposed new Rule 1770 of the Pennsylvania Rules of Appellate Procedure is adopted, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective in 60 days.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 901. Scope of Chapter.

This chapter applies to all appeals from a trial court to an appellate court except:

(1) An appeal by allowance taken under 42 Pa.C.S. § 724 (allowance of appeals from Superior and Commonwealth Courts). See Rule 1112 (appeals by allowance).

(2) An appeal by permission taken under 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). See Rule 1311 (interlocutory appeals by permission).

(3) An appeal which may be taken by petition for review pursuant to Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending.

(4) **An appeal which may be taken by petition for review pursuant to Rule 1770, which governs out of home placement in juvenile delinquency matters.**

(5) Automatic review of sentences pursuant to 42 Pa.C.S. § 9711(h) (review of death sentence). See Rule 1941 (review of death sentences).

[(5)] (6) An appeal which may be taken by petition for review pursuant to Rule 3331 (review of special prosecutions or investigations).

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

IN GENERAL

Rule 1501. Scope of Chapter.

* * * * *

(d) *Jurisdiction of courts unaffected.*—This chapter does not enlarge or otherwise modify the jurisdiction and powers of the Commonwealth Court or any other court.

Official Note: This chapter applies to review of any “determination” of a “government unit” as defined in Rule 102 assuming, of course, that the subject matter of the case is within the jurisdiction of a court subject to these rules (see Subdivision (d) of this rule). A “determination” means “action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.” The term “government unit” is all inclusive and means “the Governor and the departments, boards, commissions, officers, authorities and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).” The term “administrative agency” is not defined in these rules, although the term is used in these rules as a result of its appearance in Section 9 of Article V of the Constitution of Pennsylvania.

Subdivision (a)(4) was added in 2004 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered[. See], see Rule 1762(b), and **Rule 1770 directs the filing of a petition for review when a juvenile seeks review of placement in a juvenile delinquency matter.** A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2004 and 2012 amendments clarify the use of petitions for review in these special situations.

* * * * *

PETITION FOR REVIEW

Rule 1512. Time for Petitioning for Review.

* * * * *

(b) *Special appellate provisions.* A petition for review of:

(1) A determination of the Department of Community and Economic Development in any matter arising under the Local Government Unit Debt Act, 53 Pa.C.S. §§ 8001—8271, shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered.

(2) A determination governed by Rule 1571 (determinations of the Board of Finance and Revenue) shall be filed within the appropriate period therein specified.

(3) A determination governed by Rule 3331 (review of special prosecutions or investigations) shall be filed within ten days after the entry of the order sought to be reviewed.

(4) A determination of a Commonwealth agency under section 1711.1(g) of the Commonwealth Procurement Code, 62 Pa.C.S. § 1711.1(g), shall be filed within 15 days of the mailing date of a final determination denying a protest.

(5) A determination governed by Rule 1770 (review of dispositional order for out of home placement in juvenile delinquency matters) shall be filed within ten days of the order sought to be reviewed.

(c) *Original jurisdiction actions.* A petition for review of a determination of a government unit not within the scope of Subdivisions (a) or (b) of this rule may be filed with the prothonotary of the appellate court within the time, if any, limited by law.

* * * * *

Rule 1516. Other Pleadings Allowed.

(a) *Appellate jurisdiction petitions for review.* No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to the Notes to Rules 341 or 1311 (seeking review of a trial court or other government unit's refusal to certify an interlocutory order for immediate appeal), Rule 1762 (regarding release in criminal matters), **Rule 1770 (regarding placement in juvenile delinquency matters)**, Rule 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Rule 3331 (regarding review of special prosecutions and investigations). Where an answer is authorized, the time for filing an answer shall be as stated in Rule 123(b).

(b) *Original jurisdiction petitions for review.* Where an action is commenced by filing a petition for review addressed to the appellate court's original jurisdiction, the pleadings are limited to the petition for review, an answer thereto, a reply if the answer contains new matter or a counterclaim, a counter-reply if the reply to a counterclaim contains new matter, a preliminary objection, and an answer thereto. Every pleading filed after an original jurisdiction petition for review shall be filed within 30 days after service of the preceding pleading, but no pleading need be filed unless the preceding pleading is endorsed with a notice to plead.

Official Note: The 2004 and 2012 amendments made clear that, with [**five**] **six** limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper. With regard to original jurisdiction proceedings, practice is patterned after Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing, Notice to Plead). The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party. See Rule 1762(b)(2) regarding bail applications. **See Rule 1770 regarding placement in juvenile delinquency matters.**

Rule 1517. Applicable Rules of Pleading.

Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.

Official Note: See Rule 1762(b)(2) regarding bail applications. **See Rule 1770 regarding placement in juvenile delinquency matters.** See also Rule 3331 regarding Review of Special Prosecutions or Investigations.

Rule 1541. Certification of the Record.

Upon notice from the appellate court of the filing of a petition for review addressed to the appellate jurisdiction of an appellate court, the government unit shall prepare and transmit the record as provided by Chapter 19 (preparation and transmission of record and related matters).

Official Note: Rule 102 defines "government unit" to include "any court or other officer or agency of the unified judicial system." Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for review was filed pursuant to Rule 1762, **1770**, 3321 or 3331, or the note to Rules 341 or 1311.

See Rule 3331 regarding Review of Special Prosecutions or Investigations.

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

REVIEW OF DISPOSITIONAL ORDER FOR OUT OF HOME PLACEMENT IN JUVENILE DELINQUENCY MATTERS

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

Rule 1770. Review of Out of Home Placement in Juvenile Delinquency Matters.

(a) *General rule.* If a court under the Juvenile Act, 42 Pa.C.S. § 6301 et seq., enters an order after an adjudication of delinquency of a juvenile pursuant to Rules of Juvenile Court Procedure 409(A)(2) and 515, which places the juvenile in an out of home overnight placement in any agency or institution that shall provide care, treatment, supervision or rehabilitation of the juvenile ("Out of Home Placement"), the juvenile may seek review of that order pursuant to a petition for review under Chapter 15 (judicial review of governmental determinations). The petition shall be filed within ten days of the said order.

(b) *Content.* A petition for review under subdivision (a) shall contain: (i) a specific description of any determinations made by the juvenile court; (ii) the matters complained of; (iii) a concise statement of the reasons why the juvenile court abused its discretion in ordering the Out of Home Placement; (iv) the proposed terms and conditions of an alternative disposition for the juvenile; and (v) a request that the official court reporter for the juvenile court transcribe the notes of testimony as required by subdivision (g) of this Rule. Any order(s) and opinion(s) relating to the Out of Home Placement and the transcript of the juvenile court's findings shall be attached as appendices. The petition shall be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

(c) *Objection to specific agency or institution, or underlying adjudication of delinquency, is not permitted.*

(1) A petition for review under subdivision (a) shall not challenge the specific agency or specific institution that is the site of the Out of Home Placement and instead shall be limited to the Out of Home Placement itself.

(2) A petition for review under subdivision (a) shall not challenge the underlying adjudication of delinquency.

(d) *Answer.* Any answer shall be filed within ten days of service of the petition, and no other pleading is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under subdivision (a).

(e) *Service.* A copy of the petition for review and any answer thereto shall be served on the judge of the juvenile court and the official court reporter for the juvenile court. All parties in the juvenile court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1514(c) (service), unless the Attorney General is a party in the juvenile court.

(f) *Opinion of juvenile court.* Upon receipt of a copy of a petition for review under subdivision (a), if the judge who made the disposition of the Out of Home Placement did not state the reasons for such placement on the record at the time of disposition pursuant to Rule of Juvenile Court Procedure 512 (D), the judge shall file of record a brief statement of the reasons for the determination or where in the record such reasons may be found, within five days of service of the petition for review.

(g) *Transcription of Notes of Testimony.* Upon receipt of a copy of a petition for review under subdivision (a), the court reporter shall transcribe the notes of testimony and deliver the transcript to the juvenile court within five business days. If the transcript is not prepared and delivered in a timely fashion, the juvenile court shall order the court reporter to transcribe the notes and deliver the notes to the juvenile court, and may impose sanctions for violation of such an order. If the juvenile is proceeding in forma pauperis, the juvenile shall not be charged for the cost of the transcript. Chapter 19 of the Rules of Appellate Procedure shall not otherwise apply to petitions for review filed under this Rule.

(h) *Non-waiver of objection to placement.* A failure to seek review under this rule of the Out of Home Placement shall not constitute a waiver of the juvenile's right to seek review of the placement in a notice of appeal filed by the juvenile from a disposition after an adjudication of delinquency.

Official Note: This Rule provides a mechanism for the expedited review of an order of Out of Home Placement entered pursuant to Rule of Juvenile Court Procedure 515. Rule of Juvenile Court Procedure 512(D) requires the judge who made the disposition of an Out of Home Placement to place the reasons for an Out of Home Placement on the record at the time of the disposition, and subdivision (f) of this Rule is only applicable in the exceptional circumstance where the judge who made the disposition of an Out of Home Placement fails to comply with Rule of Juvenile Court Procedure 512(D). The Juvenile Act, 42 Pa.C.S. § 6352, sets forth the considerations for a dispositional order following an adjudication of delinquency and the alternatives for disposition. The standard for review of a dispositional order is an abuse of discretion. See *In the Interest of A.D.*, 771 A.2d 45 (Pa. Super. 2001) (en banc).

[Pa.B. Doc. No. 12-2518. Filed for public inspection December 28, 2012, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

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

Amended Order of Court

And Now, to-wit, this 20th day of April, 2012, *It Is Hereby Ordered Adjudged and Decreed* that the following Amended Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil and Family Division, adopted by the unanimous proxy vote of the Board of Judges on April 5, 2012, shall be effective upon publication on the UJS webportal:

Rule 205.4 Electronic Filing of Legal Papers in Allegheny County

By the Court

DONNA JO McDANIEL,
President Judge

Local Rule 205.4. Electronic Filing of Legal Papers in Allegheny County.

Note: This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, "If a court permits or requires the electronic filing of legal papers with the prothonotary, the court must promulgate a local rule designated Local Rule 205.4 which sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule."

(a)(1) Except as noted in the subsections below, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter "DCR") electronic filing system is permissive for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court.

Note: A "legal paper" is defined in Pa.R.C.P. 205.4(2) as "a pleading or other paper filed in an action, including exhibits and attachments."

A. Use of the DCR's electronic filing system is mandatory for all actions and proceedings involving personal injury or death allegedly caused by asbestos.

B. Use of the DCR's electronic filing system is not permitted for the following Civil Division Filings:

1. Initial filings in Petitions for Name Change;

Note: Secondary filings in Petitions for Name Change may be filed electronically.

2. Initial filings for Exemplification of Records;

Note: Secondary filings involving Exemplification of Records may be filed electronically.

3. The following secondary filings in General Docket Cases: (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.

Note: The matters described in subsection (a)(1)(B)(3) are excluded from electronic filing because of the existing procedure under which these matters are presented to the Chief Motions Clerk or Calendar Control for scheduling prior to filing in the Office of the DCR.

4. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions.

Note: The matters described in subsection (a)(1)(B)(4) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of filing.

5. Filings under seal.

6. Praecipes for writ of execution in a mortgage foreclosure proceeding.

C. Use of the DCR's electronic filing system is not permitted for the following Family Division Filings:

1. Legal papers relating to Protection From Abuse matters which must be processed with the PFA Office in Family Division before they can be filed.

2. Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

3. Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.

4. Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in (C)(1), (2) or (3) of this subsection.

Note: Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, counter-affidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

5. Any and all legal papers which must be presented to a Family Division Judge in motions before filing with the Office of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx), WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx).

[(c)(1) There is no Section (c)(1).]

(c)(2) The DCR's electronic filing website is dcr.allegheycounty.us ("www" does not appear before and ".com" does not appear after this web address). Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the Court. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID.

(d)(1) The following credit and debit cards may be used on the DCR's electronic filing website to pay filing-related fees: Visa, MasterCard, Discover, and American Express. Such fees may also be paid by depositing in advance sufficient funds with the DCR. The DCR may also accept payments by electronic checking/ACH (Automatic Clearing House). See the DCR website for additional information.

[(d)(2) There is no Section (d)(2).]

[(d)(3) Intentionally omitted as Allegheny County has not designated a third party to operate the electronic filing system.]

(f)(1) When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledgement page and shall transmit to the filer an initial e-mail confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an e-mail stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.

(f)(2) The DCR shall maintain an electronic and a hard copy file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. The DCR is not required to maintain a hard copy file for the following legal papers when filed electronically:

Allegheny County Bar Association Fee Dispute Judgment

Annual Audit

Assurance of Voluntary Compliance

Bond of Tax Collector

Cemetery Report

Commercial Broker Lien

Commonwealth Tax Lien

Condominium Lien

Declaration of Covenant Lien

Environmental Resources Lien

Federal Judgment Lien

Foreign Execution

Foreign Judgment

Foreign Judgment/Execution

Foreign State Tax Lien

Health Department Judgment

Housing Court Judgment

Judgment Roll

Liens/Scire Facias

Mechanics' Lien

Municipal Lien

No Lien Agreement

Oath of Office

Orphans' Court Judgment

Pennsylvania Agency Judgment

Pension Benefit Lien

PHEAA Judgment

Planned Community Lien

Scire Facias sur Municipal Lien

Scire Facias sur Tax Lien

Tax Collector Report

Unemployment Compensation Lien

Workers' Compensation Judgment

[(f)(3) There is no Section (f)(3).]

(f)(4) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR website: website: dcr.alleghenycounty.us (www. does not appear before and “.com” does not appear after this web address).

[(f)(5) There is no Section (f)(5).]

Local Rule 1930.1 Electronic Filing in Family Division Matters.

[Rescinded in its entirety.]

Note: See Local Rule 205.4 for information regarding e-filing of Family Division matters.

[Pa.B. Doc. No. 12-2519. Filed for public inspection December 28, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

**Accelerated Rehabilitative Dispositions Program
(ARD)—Administrative Fee; CP-13-AD-0000003-
2012 (Old #34 MI 99)**

Administrative Order No. 24-2012

And Now, this 27th day of November, 2012, in order to administer the ARD Program, it is hereby

Ordered and Decreed that, effective January 1, 2013, all parties placed into the Carbon County Accelerated Rehabilitative Disposition Program shall be assessed an Administrative Fee as follows:

Non-DUI ARD	\$450.00
DUI ARD—Rate of Alcohol .08 to .099	\$450.00
DUI ARD—Rate of Alcohol .10 to .159	\$500.00
DUI ARD—Rate of Alcohol .16 and higher	\$550.00
DUI Refusal of Testing	\$600.00
ALL ARDs not stipulated to at District Justice level	\$650.00

It Is Further Ordered and Decreed that this Court's Administrative Order No. 8-2004 is *Vacated* as of January 1, 2013.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Administrative Order on the Unified Judicial System's website at <http://ujsportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 12-2520. Filed for public inspection December 28, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Jesse H. Ingram, having been disbarred by consent from the practice of law in the District of Columbia by Order of the District of Columbia Court of Appeals dated July 5, 2012, the Supreme Court of Pennsylvania issued an Order on December 13, 2012, disbaring Jesse H. Ingram from the Bar of this Commonwealth, effective January 12, 2013. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-2521. Filed for public inspection December 28, 2012, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2014 for Staffs of the Appellate Courts and the Administrative Of- fice of Pennsylvania Courts; No. 394 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 14th day of December, 2012 it is hereby ordered that the following paid holidays for calendar year 2014 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 2014	New Year's Day
January 20, 2014	Martin Luther King, Jr. Day
February 17, 2014	Presidents' Day
April 18, 2014	Good Friday
May 26, 2014	Memorial Day
July 4, 2014	Independence Day
September 1, 2014	Labor Day
October 13, 2014	Columbus Day
November 4, 2014	Election Day
November 11, 2014	Veterans Day
November 27, 2014	Thanksgiving Day
November 28, 2014	Day after Thanksgiving
December 25, 2014	Christmas Day

[Pa.B. Doc. No. 12-2522. Filed for public inspection December 28, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 84]

Dual Control Learner's Permit

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 1504(c), 1505—1507, 1514(b), 1514(c) and 6103, amends Chapter 84 (relating to dual control learner's permit).

Purpose of Chapter

The purpose of Chapter 84 is to establish a procedure for issuance of a dual control learner's permit to a driver or applicant.

Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to update the process and expand the eligibility for obtaining a dual control learner's permit. A dual control learner's permit authorizes the permit holder to drive a motor vehicle equipped with a second operable brake pedal accessible to a trained instructor in the front passenger seat. This chapter has not been revised since 1982.

This final-form rulemaking expands the criteria used to determine eligibility. The former regulation only authorized the issuance of the dual control learner's permit only to a driver or applicant who fails a driving exam. There have been a number of instances when an applicant with a medical condition has turned 16 years of age and he does not qualify because a driving exam has never been failed. In addition, requests are received for dual control permits from drivers that have had a stroke or another medical condition that requires rehabilitation. The driver's physician may recommend driver training and testing to determine competency. In these situations, the drivers would benefit from one-on-one training and instruction.

Summary of Comments and Changes in the Final-Form Rulemaking

The proposed rulemaking was published at 42 Pa.B. 3746 (June 30, 2012). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments or objections were not received from the public, the House and Senate Committees or IRRC. Consequently, this final-form rulemaking is adopted as proposed.

Persons and Entities Affected

This final-form rulemaking affects persons who, because of their medical condition or otherwise, are required to obtain one-on-one instruction with a certified driver training in a dual control vehicle to become licensed.

Fiscal Impact

Implementation of this final-form rulemaking will not require the expenditure of significant additional funds by the Commonwealth or local municipalities. This final-form rulemaking will not impose additional costs on the medical community.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 20, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 3746, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 14, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 14, 2012.

Sunset Provisions

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*. The Department is not establishing a sunset date for these regulations as these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for technical questions about this final-form rulemaking is Scott Shenk, Manager, Driver Safety Division, Bureau of Driver Licensing, P. O. Box 68676, Harrisburg, PA 17106-8676, (717) 787-2977.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 84, are amended by amending §§ 84.1, 84.2 and 84.3 to read as set forth at 42 Pa.B. 3746.

(b) The Secretary of the Department shall submit this order and 42 Pa.B. 3746 to the Office of General Counsel and the Office of Attorney General for approval as to legality and from, as required by law.

(c) The Secretary shall certify this order and 42 Pa.B. 3746 with the Legislative Reference Bureau as required by law.

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

BARRY J. SCHOCH, P.E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 7364 (December 1, 2012).)

Fiscal Note: Fiscal Note 18-424 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 12-2523. Filed for public inspection December 28, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

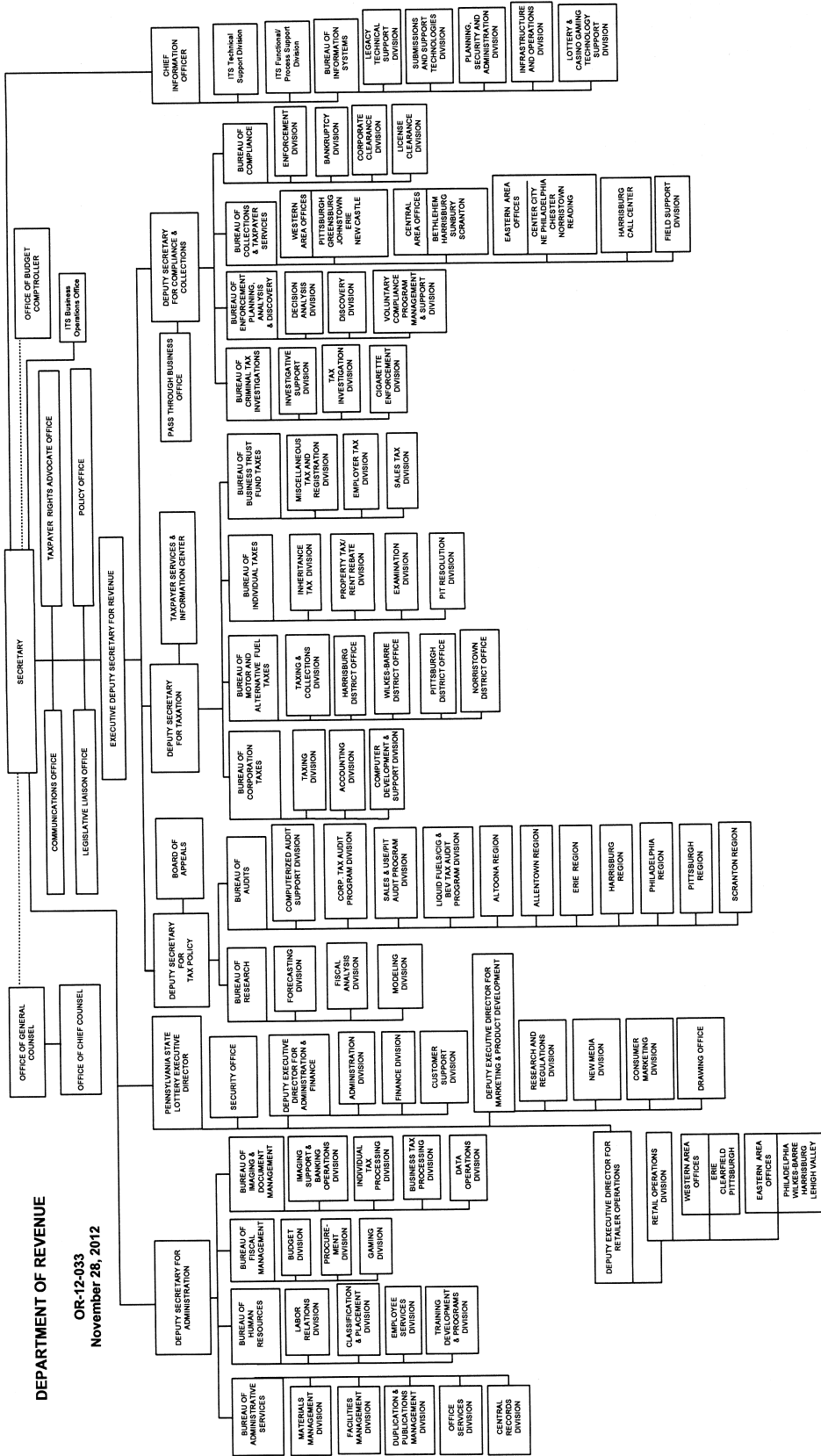
Reorganization of the Department of Revenue

The Executive Board approved a reorganization of the Department of Revenue effective November 28, 2012.

The organization chart at 42 Pa.B. 7820 (December 29, 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. 12-2524. Filed for public inspection December 28, 2012, 9:00 a.m.]



DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 66]

Guidelines for Administering and Enforcing the Public Works Employment Verification Act

The Department of General Services (Department) adopts a statement of policy in Chapter 66 (relating to employment verification—statement of policy) to read as set forth in Annex A. Chapter 66 implements the Public Works Employment Verification Act (act) (43 P. S. §§ 167.1—167.11).

Chapter 66 establishes guidelines for administering and enforcing the act, which requires public works contractors and subcontractors performing work on public works projects in this Commonwealth to comply with the Federal E-Verify program to ensure employees are authorized to work in the United States. The E-Verify program is a free Internet-based program operated by the United States Department of Homeland Security that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from the United States Department of Homeland Security and Social Security Administration records to confirm employment eligibility. The purpose of this statement of policy is to establish guidelines for administering and enforcing the act.

Fiscal Impact

Civil penalties collected in the enforcement of the act will be retained by the Department to offset the costs of administering the Pennsylvania Public Works Employment Verification Program.

Effective Date

This statement of policy is effective January 1, 2013.

Contact Person

Specific questions regarding this statement of policy should be directed to the Department of General Services, Public Works Employment Verification Compliance Office, Room 105 Tent Building, Public Works Deputate, 18th and Herr Streets, Harrisburg, PA 17125.

SHERI PHILLIPS,
Secretary

(Editor's Note: Title 4 of the *Pennsylvania Code* is amended by adding statements of policy in §§ 66.1—66.9 to read as set forth in Annex A.)

Fiscal Note: 8-17. This action will not result in a loss of revenue to the Commonwealth or its political subdivisions. This program may increase program costs for the administration and enforcement; however, such costs will be offset by any civil penalties collected through the enforcement of the act.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

CHAPTER 66. EMPLOYMENT VERIFICATION—STATEMENT OF POLICY

Sec.	
66.1.	Background and purpose.
66.2.	Scope of work subject to the act.
66.3.	Definitions.
66.4.	General requirements for public works contractors and subcontractors.
66.5.	Specific requirements for public works contractors.

66.6.	Specific requirements for public works subcontractors.
66.7.	Public Works Employment Verification Form.
66.8.	Violations.
66.9.	Enforcement.

§ 66.1. Background and purpose.

(a) To prevent unauthorized employment, the Federal government created the EVP system to ensure that companies employ a legal workforce. The EVP system is an Internet-based system operated by the United States Department of Homeland Security that compares information from an employee's Form I-9, Employment Eligibility Verification, to data from United States Department of Homeland Security and Social Security Administration records to confirm employment eligibility.

(b) The purpose of this chapter is to set forth the Department's policy guidelines for the scope, administration and enforcement of the act.

(c) The Department is responsible to implement the Commonwealth's process of notification, investigation and compliance with the act. Contractors and subcontractors performing work on a public works project shall comply with the act as set forth in this chapter by utilizing the EVP.

§ 66.2. Scope of work subject to the act.

(a) The act applies to public works contractors and subcontractors performing on a public works contract paid for in whole or in part out of the funds of a public body when the cost of the total project is in excess of \$25,000.

(b) The cost of the total project must include the sum of prime contracts to be issued by the public body for the project.

(c) To the extent the cost of the total project is in excess of \$25,000, contracts and subcontracts, regardless of value, shall comply with the act.

(d) The act does not apply to work performed under a manpower or rehabilitation training program.

§ 66.3. Definitions.

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

Act—The Public Works Employment Verification Act (43 P. S. §§ 167.1—167.11).

Contract—A type of written agreement, regardless of what it may be called, for the procurement of construction work.

Department—The Department of General Services of the Commonwealth.

EVP—E-Verify program—The program operated by the United States Department of Homeland Security that electronically verifies employment eligibility.

Employee—An individual hired by a public works contractor or a subcontractor after January 1, 2013, for whom a public works contractor or subcontractor is required by law to file a Form W-2 with the Internal Revenue Service.

Form—Public Works Employment Verification Form.

Maintenance work—Annual inspection or routine upkeep of an existing facility which does not alter the use or size of the facility.

Public body—The Commonwealth of Pennsylvania, its political subdivisions, authorities created by the General

Assembly of the Commonwealth and instrumentalities or agencies of the Commonwealth.

Public works—

(i) The construction, reconstruction, demolition, alteration or repair work other than maintenance work done under contract and paid for in whole or in part out of the funds of a public body when the estimated cost of the total project is in excess of \$25,000.

(ii) The term does not include work performed under a manpower or rehabilitation training program.

*Public works contractor—*A contractor that provides work under a contract involving public works.

*Secretary—*The Secretary of the Department.

Subcontractor—

(i) A person, other than a natural person, including a staffing agency, that performs work for a public works contractor under a contract for public works.

(ii) The term includes subcontractors of every level, that is, sub-subcontractors, sub-sub-subcontractors, and the like.

(iii) The term does not include persons that supply materials for a project.

*Willful—*An action or conduct undertaken intentionally or with reckless disregard for or deliberate ignorance of the requirements and obligations established under the act.

§ 66.4. General requirements for public works contractors and subcontractors.

(a) Public works contractors and every subcontractor performing work under a public works contract shall utilize the EVP system to verify the employment eligibility of each new employee hired after January 1, 2013.

(b) Public works contractors and every subcontractor performing work under a public works contract shall submit the Form to the contracting public body to ensure compliance with the act.

(c) In addition to the Form, public works contractors and every subcontractor shall maintain documentation of continued compliance with the act by utilizing the EVP for new employees hired throughout the duration of the public work contract.

§ 66.5. Specific requirements for public works contractors.

(a) As a precondition to the award of a contract for public work, a public works contractor shall submit a completed Form to the public body that is bidding and awarding the public work contract. With respect to a contract that has been awarded but has not been fully executed as of January 1, 2013, a public works contractor is required to submit a completed Form to the contracting public body prior to contract execution. During a public works contract, a new employee hired by a public works contractor, regardless of whether he will be working onsite or offsite of a public work or otherwise, shall be verified within 5 business days of his start date.

(b) Subcontracts between a public works contractor and its subcontractors are required to contain notification of the applicability of the act, information regarding the use of EVP and reference to the Department's web site at www.dgs.state.pa.us to obtain a copy of the Form.

(c) A public works contractor shall cooperate with the Department during an investigation or audit arising under the act.

§ 66.6. Specific requirements for public works subcontractors.

(a) Prior to beginning either onsite or offsite work on a public works project when the public works contractor's contract was executed after January 1, 2013, every subcontractor shall submit a completed Form to the contracting public body. During a public works contract, a new employee hired by a public works subcontractor, regardless of whether he will be working onsite or offsite of a public work or otherwise, shall be verified within 5 business days of his start date.

(b) Subcontracts between a subcontractor and its subcontractors are required to contain notification of the applicability of the act, information regarding the use of EVP and reference to the Department's web site at www.dgs.state.pa.us to obtain a copy of the Form.

(c) A subcontractor shall cooperate with the Department during an investigation or audit arising under the act.

§ 66.7. Public Works Employment Verification Form.

(a) The Form for use by public bodies, public works contractors and subcontractors is posted on the Department's web site at www.dgs.state.pa.us. The Form may not be changed or altered.

(b) The Form shall be signed by an authorized representative of the public works contractor or subcontractor. The representative shall have sufficient knowledge to make the representations and certifications in the Form.

(c) The Department may require the public works contractor or subcontractor to provide supporting documentation that the representative signing the Form had authority to legally bind the public works contractor or subcontractor.

(d) The submitted Forms shall be retained by the public body for the duration of the public work contract.

§ 66.8. Violations.

A public works contractor or subcontractor violates the act if it does either of the following:

(1) Fails to verify the employment eligibility of a new employee hired after January 1, 2013, through EVP in accordance with the act and this chapter.

(2) Makes a false statement or misrepresentation in connection with the completion or submission of the Form to a public body.

§ 66.9. Enforcement.

The Department will enforce the act through investigations, audits, sanctions and civil penalties in accordance with the following guidelines.

(1) *Investigations of complaints.* The Department will accept, review and investigate timely and credible complaints filed on the Complaint Form posted on the Department's web site.

(i) A complaint must contain sufficient information to enable the Department to investigate the allegation. The Department reserves the right to reject complaints that do not provide sufficient information. The Department will consider the timeliness of the complaint in assessing its credibility.

(ii) Public bodies, public works contractors and subcontractors shall cooperate with the Department during the investigation of a complaint.

(2) *Audits.* The Department will conduct complaint-based and random audits of public works contractors and subcontractors performing a public works contract for a public body in this Commonwealth. The Department reserves the right to determine the time, place and nature of audits.

(i) Public bodies, public works contractors and subcontractors shall cooperate with the Department during an audit.

(ii) Upon an audit, the Department may request, and the public works contractors and subcontractors shall provide, the following:

(A) Documentation of the date of hire of all employees.

(B) Documentation of compliance with the act through the utilization of EVP.

(C) Other information required by the Department to ensure compliance with the act and utilization of EVP.

(3) *Sanctions.*

(i) If the Department's investigation determines that a public works contractor or subcontractor failed to verify an employee through the use of EVP in accordance with the act and this chapter, the Department will issue sanctions as follows:

(A) *First violation.* The Department will issue a warning letter to the public works contractor or subcontractor detailing the violation. This letter will be posted on the Department's E-Verify web site at www.dgs.state.pa.us. A violation by a public works contractor or subcontractor that occurs 10 years or more after a prior violation will be deemed to be a first violation for purposes of sanctions.

(B) *Second violation.* The Department will initiate debarment proceedings against the public works contractor or subcontractor. Once final, these proceedings will prevent a public works contractor or subcontractor from

submitting a bid or being awarded a contract or subcontract on a public works contract in this Commonwealth for 30 calendar days from the date of debarment.

(C) *Third and subsequent violations.* The Department will initiate debarment proceedings against the public works contractor or subcontractor. Once final, these proceedings will prevent a public work contractor or a subcontractor from submitting a bid or being awarded a contract or subcontract on a public works contract in this Commonwealth for not less than 180 days and not more than 1 year from the date of debarment.

(ii) *Willful violation.* If the Department investigates and forms a reasonable belief that there has been a willful violation of the act, the Secretary will file a petition in Commonwealth Court seeking the Court to issue a rule to show cause why a public works contractor or subcontractor did not engage in a willful violation of the act. If the Court finds that there was a willful violation, the Department will petition to have the public works contractor or subcontractor debarred from public work contracts for 3 years from the date of the Court's determination.

(4) *Civil penalties.* If the Secretary or a designee makes a written determination that the violation is for failing to submit a complete Form or making a false statement or misrepresentation in the Form, the Department will assess a civil penalty of not less than \$250 and not more than \$1,000 for each violation. The amount of the penalty is at the Department's discretion. The Department will consider the severity of the violation, and prior violations in imposing civil penalties.

(5) *Notice and appeal.* Sanctions or civil penalties imposed by the Department, other than those violations found to be willful, are subject to the notice, appeal and other provisions of 2 Pa.C.S. (relating to administrative law and procedure).

[Pa.B. Doc. No. 12-2525. Filed for public inspection December 28, 2012, 9:00 a.m.]

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 December 11, 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>
12-6-2012	Somerset Trust Company Somerset Somerset County	802 Atkinson Way Somerset Somerset County	Approved
12-7-2012	Jersey Shore State Bank Jersey Shore Lycoming County	1720 East Third Street Williamsport Lycoming County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-30-2012	3rd Fed Bank Newtown Bucks County	905 North 2nd Street Philadelphia Philadelphia County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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. 12-2526. Filed for public inspection December 28, 2012, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Proposed Grant Application by the Department of Education under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2013

Public comment is invited regarding the Department of Education's (Department) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B) for Federal Fiscal Year 2013. The annual grant application provides assurances that the Commonwealth's policies and procedures in effect are consistent

with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. The current policies and procedures are available on the Department's web site at www.education.state.pa.us (click on the "Programs" tab, select "Programs S-Z," select "Special Education" under "Funding Sources," "IDEA-B Grant Application," click 2012 IDEA-B Application").

Section 300.165 of 34 CFR (relating to public participation) requires that states conduct public hearings, ensure adequate notice of those hearings and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities before adopting policies and procedures. The

Commonwealth must publish the proposed IDEA-B application, and current policies and procedures related to IDEA-B, which can be found by accessing the Pennsylvania Training and Technical Assistance Network's (PaTTAN) web site at www.pattan.net and clicking on the "Legal" tab at the top of the page to find the link to the "Federal Law and Regulations."

Alternative formats of the documents (such as Braille, large print and cassette tape) will be made available upon request. Moreover, public comment is welcomed in alternative formats such as Braille, taped comments and telephone comments. Persons who wish to submit comments by telephone should contact Beth Runkle at (717) 783-2311.

Written and verbal comments must be received by February 15, 2013. Written comments should be directed to Ashley B. Bennett or Dr. Ronald Wells, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Additionally, the Department will provide individuals an opportunity to testify on the proposed IDEA-B application and the current policies and procedures. Testifiers are encouraged to bring a written copy of their testimony at the time of presentation. Presentations should be limited to 15 minutes.

Dates, locations and times allotted for verbal testimony regarding the proposed grant application and current policies and procedures are as follows:

- February 25, 2013 PaTTAN—Pittsburgh
3190 William Pitt Way
Pittsburgh, PA 15238
(4 p.m.—6 p.m.)
- February 27, 2013 PaTTAN—King of Prussia
200 Anderson Road
King of Prussia, PA 19406
(4 p.m.—6 p.m.)
- March 1, 2013 PaTTAN—Harrisburg
6340 Flank Drive
Harrisburg, PA 17112
(4 p.m.—6 p.m.)

To schedule an opportunity to present verbal testimony, or individuals who require an accommodation to participate in the proceedings, contact Beth Runkle at (717) 783-2311, (717) 783-8445 (TTY) or brunkle@pa.gov, no later than February 8, 2013.

Following receipt of all written and verbal comments, the Department must review and consider all public comments and make any necessary modifications to the application, or policies and procedures, as appropriate, before submission of the grant application to the Secretary of the United States Department of Education.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 12-2527. Filed for public inspection December 28, 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?
PA0062758 Industrial Waste	Shenandoah WTP 424 Raven Run Road Lost Creek, PA 17946	Schuylkill County West Mahanoy Township	Lost Creek Cold Water Fishes 6B	N

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?
PA0088978 (Sew)	West Pennsboro Township Municipal Authority 2150 Newville Road Carlisle, PA 17013-8957	Cumberland County / West Pennsboro Township	7B / Conodoguinet Creek	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?
PA0040380 (Sewage)	Country Roads MHP 3551 Ellwood Road Route 65 New Castle, PA 16101-6137	Lawrence County Shenango Township	Dry/intermittent tributary to Hell Run (20-C)	Y
PA0101974 (Sewage)	Gaslight Campground 6297 Emlenton Clintonville Road Emlenton, PA 16373-7419	Venango County Scrubgrass Township	Unnamed Tributary to Allegheny River (16-G)	Y

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

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

PA0086461, Sewage, SIC Code 7033, **Pinch Pond Campground Inc.**, 3075 Pinch Road, Manheim, PA 17545-9551. Facility Name: Pinch Pond Campground. This existing facility is located in Rapho Township, **Lancaster 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), Chickies Creek, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01725 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Annual Average	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report Avg Mo	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Annl Avg Report	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	XXX	420	XXX	XXX	XXX	XXX
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

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

NPDES Permit PA0263664, Industrial Waste, SIC Code 4953, **Tri-County Landfill Inc.**, 159 TCI Park Drive, Grove City, PA 16127. Facility Name: Tri-County Landfill. This proposed facility is located in Liberty and Pine Townships, **Mercer County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated municipal landfill leachate, truck wash water, sanitary sewage and stormwater.

The receiving streams are unnamed tributaries to Black Run located in State Water Plan watershed 20-C and are classified for cold water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.085 MGD.

Pursuant to 25 Pa. Code § 92a.82, a public meeting and public hearing will be held on January 28, 2013 at 6 p.m. at the Grove City High School located at 511 Highland Avenue, Grove City, PA 16127. During the public meeting, staff from the Department will answer questions on the application review process and applicable regulations, and Tri-County Landfill, Inc. officials will answer questions on the project.

The public meeting will be followed by a DEP public hearing beginning at 7:30 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed application. To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments. The notice should be sent to Gary Clark, Community Relations Specialist, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 hearing or those who did not get a chance to testify can submit written testimony to the Department through February 8, 2013.

Copies of the application, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Northwest Regional Office, 230 Chestnut Street,

Meadville, PA 16335. Appointments for scheduling a review may be made by calling (814) 332-6340. Copies of the permit application have also been provided to the Liberty and Pine Township Supervisors and Mercer County Commissioners.

Please refer to additional notices regarding Tri-County Landfill, Inc. in this *Pennsylvania Bulletin*.

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

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

WQM Permit No. WQG01671203, Sewerage, **James C. & Debra W. Eberly**, 7268 Ironstone Hill Road, Dallastown, PA 17313.

This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Proposed small flow treatment facility for an existing six-bedroom house.

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

WQM Permit No. 2092403, Sewerage, **Amendment No. 2, North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134-4403.

This existing facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: Expansion of wastewater treatment plant to upgrade average daily hydraulic capacity from 1.3 MGD to 1.7 MGD.

WQM Permit No. 2712402, Sewerage, **Hickory Township**, P. O. Box 44, Endeavor, PA 16353.

This proposed facility is located in Hickory Township, **Forest County**.

Description of Proposed Action/Activity: Construction of wastewater treatment system serving the Endeavor area.

WQM Permit No. WQG018856, Sewerage, **Arlene Fischer**, 9019 Kuhl Road, Erie, PA 16510.

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

Description of Proposed Action/Activity: Single residence sewage treatment plant to replace a malfunctioning on-lot system.

WQM Permit No. 1612401, Sewerage, **Hawthorn Redbank Redbank Municipal Authority**, P. O. Box 241, Hawthorn, PA 16230-0241.

This proposed facility is located in Redbank Township, **Clarion County**.

Description of Proposed Action/Activity: Project consists of the construction of a 200,000 gpd wastewater treatment facility with outfall to Red Bank Creek, ~112,800 LF of Sewers, 3 pumping stations, and ~9,100 LF of force mains will be constructed under separate contracts.

WQM Permit No. 6212404, Sewerage, **Warren County School District**, 589 Hospital Drive, Suite A, Warren, PA 16365.

This existing facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: Application to make upgrades to wastewater treatment facility.

WQM Permit No. 2489202, Industrial Waste, **Amendment, Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846.

This existing facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: Application to modify current mode of operation including re-designation and re-use of an existing storage impoundment as a process impoundment for chemical and thermal conditioning of wastewater.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Pike County Conservation District: 556 Route 402, Ste. 1, Hawley, PA 18428, 570-226-8220.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025206007R	Blue Heron, LLC 5 Manorview Drive Dallas, Pa 18612	Pike	Blooming Grove Twp., Lackawaxen Twp., Palmyra Twp.	Decker Creek, HQ-CWF, MF; Blooming Grove Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512012	Pocono Lake Preserve, Inc. 729 North Shore Dr. Pocono Lake Preserve, PA 18343	Monroe	Tobyhanna Twp.	Tobyhanna Creek, HQ-CWF, MF; Deep Run, HQ-CWF, MF
PAI024508011R	CB H20 PO BOX 168 Tannersville, PA 18372	Monroe	Pocono Twp.	Coolmoor 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>
PAI030611005	Gregg Eshelman Quaker Hill Development Co. 4339 Morgantown Road Mohnton, PA 19540	Berks	Robeson Township	UNT to Beaver Run/HQ-CWF, MR

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041812004	SEDA-COG Jt Rail Auth 201 Furnace Rd Lewisburg PA 17837	Clinton	Pine Creek Township	UNT to W.B. Susquehanna River CWF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056312006	Bove Development Corporation 5851 Brian Drive Bethel Park, PA 15102	Washington	North Strabane Township	Little Chartiers Creek (HQ-WWF)

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

PAG-12 CAFOs

STATE CONSERVATION COMMISSION

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

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

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

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

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

CAFO Notices of Intent Received

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

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Bortnick Dairy, LLC 21820 Palmer Rd Conneautville, PA 16406	Crawford	3986.5	2642	Dairy Operation	None	New

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3612548 MA, Minor Amendment, Public Water Supply.

Applicant	Welsh Mountain Home
Municipality	Sadsbury Township
County	Lancaster
Responsible Official	Larry J. Farkas PE, Professional Engineer 637 Jeffers Circle Exton, PA 19341
Type of Facility	Public Water Supply

Consulting Engineer Larry J. Farkas, P.E.
Cawley Environmental
Services, Inc.
637 Jeffers Circle
Exton, PA19341

Application Received: 11/30/2012

Description of Action Installation of two (2) 240-gallon chlorine contact tanks and the demonstration of 4-log treatment of viruses.

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

Application No. 1212501—Construction Public Water Supply.

Applicant **Emporium Water Company**
Emporium Borough

County **Cameron**

Responsible Official Jerry Crosby, Superintendent
Emporium Water Company
174 Nicker Road
Emporium, PA 15834

Type of Facility Public Water Supply

Consulting Engineer Craig J. Bauer, P.E.
KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Application Received December 14, 2012

Description of Action Construction of Sylvan Heights 150,000 gal. water storage tank, pump station and 417 LF of 8" D.I. piping, and construction of Britton Road 500,000 gal. water storage tank and 10" transmission main.

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

Permit No. 1012506, Public Water Supply

Applicant	Harmony Borough Water Authority
Township or Borough	Jackson Twp., Harmony Boro., Zelenople Boro.
County	Butler
Responsible Official	David Szakelyhidi
Type of Facility	Public Water Supply

Consulting Engineer	Paul J. Cornetti, P.E. Paul J. Cornetti, P.E., Consulting Engineering 109 Dutchtown Road Butler, PA 16002
Application Received Date	November 26, 2012
Description of Action	Replacing the existing WTP filter and underdrain system, installing a static mixer, altering chemical application points and permitting an existing emergency interconnection.

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:

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

Geraldine Ronan Rental Property, 729 Petersburg Road, Carlisle, PA 17015, South Middleton Township, **Cumberland County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Geraldine Ronan, 759 Petersburg Road, Carlisle, PA 17015, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The site will be remediated to the Site-Specific standard and remain residential.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southeast Region: Regional Waste Management Program Manager, 2 E. Main Street, Norristown, PA 19401

General Permit Application No. WMGR038SE007. Bergy's Retread Technologies, 1419 Old Route 309, Sellersville, PA 18960. This application is for a determination of applicability (DOA) for the processing of waste tires by recapping for beneficial use at the Bergy's Tread Technologies facility located at 1419 Old Route 309, Sellersville, PA 18960, in West Rockhill Township, **Bucks County**. The application for DOA was accepted as administratively complete by the Southeast Regional Office on December 6, 2012.

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

General Permit Application No. WMGR038, Program I.D. WMGR038-NE006, Earth First Recycling, LLC, 4323 Richmond Road, Easton, PA 18040. A General Permit Determination of Applicability (DOA) for the processing of waste tires into a beneficial fuel or use in construction projects at the Island Park Tire Recycling site in Glendon Borough, **Northampton County**. The DOA application was received in the Regional Office on November 26, 2012 and deemed administratively complete on December 14, 2012.

Persons interested in obtaining more information about the general permit application may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public

Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101290. Waste Management of PA, Inc., 3605 Greys Ferry Avenue, Philadelphia PA 19146. This minor permit modification application is seeking the approval to modify the traffic count limit and eliminate restriction on empty container access at the Philadelphia Transfer Station located at 3605 Grays Ferry Avenue, Philadelphia, PA 19146, **Philadelphia County**. The application was received by Southeast Regional Office on September 28, 2012.

Permit Application No. 101687. FMRA, Inc., located at the confluence of Delaware and Schuylkill Rivers, Philadelphia PA 19153, **Philadelphia County**. This major permit modification application is seeking the approval to include 300 tons per day of municipal waste as a new waste type to be accepted at the FMRA C&D Transfer Station facility and be part of the approved maximum daily waste tonnage of 1500 tons. The application was received by the Southeast Regional Office on November 30, 2012.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

33-085B: Symmco, Inc. (101 South Park Street, Sykesville, PA 15865) for installation of an iron sintering furnace and associated control devices at their facility in Sykesville Borough, **Jefferson County**.

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

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

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

18-00009E: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, PA 17748-0209) for the proposed installation and operation of a 4,000 standard cubic foot per minute (scfm) enclosed flare to control the air contaminant emissions from the South Side of the Wayne Township Landfill permit 18-00009 has been issued.

The Department's review of the information submitted by Clinton County Solid Waste Authority indicates that the proposed enclosed flare will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The enclosed flare will meet the requirements of Title V operating permit #18-00009 and Subpart WWW of the Standards of Performance for Municipal Solid Waste Landfills, 40 CFR

Sections 60.750 through 60.759. Based on these findings, the Department intends to approve the application and issue plan approval for the proposed installation and operation of a 4,000 standard cubic foot per minute (scfm) enclosed flare. Additionally, if the Department determines that all equipment constructed are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #18-00009 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Source ID P201 is the South side disposal area of the Clinton County solid waste landfill and includes a 33.2 acre site located southeast of US Route 220 with a landfill gas extraction, collection and control system associated with the South side disposal area. The landfill gas extraction, collection and control system associated with the South side disposal area, shall consist of a series of vertical wells as well as horizontally-orientated gas collection piping. The gas collected with this system shall be controlled by a landfill gas/natural gas fired enclosed ground-type flare (Control Device ID C201) capable of being fired on up to 2,000 scfm of landfill gas or a LFG Specialties, Inc. model EF1250I14 enclosed flare (Control Device ID C201A) capable of firing up to 2,850 scfm of landfill gas. The landfill gas generated at Source ID P201 may be vented to the Salem Manufacturing Co. reheat furnace owned and operated by Jersey Shore Steel Company provided Jersey Shore Steel Company complies with the conditions and requirements of State Only operating permit #18-00014.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of ID C201A associated with Source ID P201 in excess of the limitations listed below:

a. nitrogen oxides (NO_x , expressed as NO_2)—0.06 pounds per million Btu of heat input and 22.47 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.20 pounds per million Btu of heat input and 74.9 tons in any 12 consecutive month period,

c. sulfur oxides (SO_x , expressed as SO_2)—1.81 pounds per hour and 7.93 tons in any 12 consecutive month period,

d. particulate matter ($\text{PM}/\text{PM}_{10}/\text{PM}_{2.5}$)—1.45 pounds per hour and 6.35 tons in any 12 consecutive month period,

e. non-methane organic compounds (NMOC)—0.19 pounds per hour and 0.83 tons in any 12 consecutive month period,

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.750—60.759, Control Device ID C201A associated with Source ID P201 shall reduce the non-methane organic compound emissions by 98% or greater, or reduce the outlet non-methane organic compound concentration to not equal or exceed 20 parts per million, by volume, dry basis (ppmdv) at 3% oxygen.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions from Control Device ID C201A,

except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Device ID C201A shall be equipped with a natural gas enrichment system to allow natural gas to be bled into the landfill gas.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the combustion chamber temperature of Control Device ID C201A shall not be less than 1,650oF, at any time.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.750—60.759, Control Device ID C201A associated with Source ID P201 shall maintain, for each 3-hour period of operation based on rolling hourly data, an average combustion temperature of no more than 28°C (50.4°F) below the average combustion temperature during the most recent performance test in which compliance with the destruction/removal was demonstrated.

8. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the residence time of the air contaminants in Control Device ID C201A shall not be less than 1.2 seconds.

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.750—60.759, Control Device ID C201A shall be equipped with instrumentation to continuously monitor and record the combustion temperature and having a minimum accuracy of +/- one percent of the temperature being monitored.

10. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.750—60.759, Control Device ID C201A shall be equipped with instrumentation to monitor the gas flow to the flare and record the flow once every 15 minutes.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.750—60.759, Control Device ID C201A shall be equipped with a bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visible inspection of the seal or closure mechanism shall be performed at least once per month to ensure the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.750—60.759, Control Device ID C201A shall be equipped with an automatic pilot ignition system that utilizes natural gas as a separate fuel source which ensures complete and immediate combustion of the landfill gas.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Device ID C201A shall be equipped with an ultraviolet scanner with controller to confirm that a flame is present anytime that landfill gas is present.

14. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Device ID C201A shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flame-out occurs. During restart or start-up, there should be sufficient flow of auxiliary fuel to the burners such that unburned landfill gases are not emitted to the atmosphere.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Control Device ID C201A shall be designed such that there are no visible flames during normal operation.

16. The permittee shall keep records of the following information and shall be kept for a minimum of five (5) years:

a. The emission of nitrogen oxides, carbon monoxides, sulfur oxides, particulate matter and non-methane organic compounds from Control Device ID C201A on a monthly basis to verify comply with the respective annual emission limitation.

b. The combustion temperature of ID C201A on a continuous basis

17. The permittee shall perform nitrogen oxide, carbon monoxide, sulfur oxide and non-methane organic compound stack tests upon Control Device ID C201A associated with Source ID P201 within 120 days from the initial operation to verify compliance with the emission limitations for nitrogen oxide, carbon monoxide, sulfur oxide and non-methane hydrocarbon emissions from Control Device ID C201A associated with Source ID P201

a. The performance test shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

b. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Control Device ID C201A is operating at maximum normal operational conditions.

18. Source ID P201 is subject to the requirements of 40 CFR 60.750—60.759. The permittee shall comply with all applicable requirements of 40 CFR 60.750—60.759.

19. All conditions contained in the Title V operating permit (TVOP #18-00009) remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in TVOP #18-00009, the permittee shall comply with the condition or requirement contained in this plan approval.

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

PLAN APPROVAL

PUBLIC HEARINGS

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

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

Notice is hereby given pursuant to 25 Pa. Code §§ 127.48 and 127.49, the Pennsylvania Department of Environmental Protection (DEP) will hold a public meeting and hearing on January 28, 2013, at **Grove City Area High School**, located at 511 Highland Avenue,

Grove City, PA. The meeting will start at 6:00 PM and the hearing will follow the meeting beginning at 7:30 pm.

The meeting is to answer questions concerning proposed Plan Approval 43-292A, for air emission sources associated with the reopening and expansion of Tri County Landfill Inc.'s municipal solid waste landfill in Pine and Liberty Townships, **Mercer County**. The Department published notice of its intent to issue this plan approval in the *Pennsylvania Bulletin* on June 11, 2011; and has submitted the proposed plan approval to U.S. Environmental Protection Agency (EPA) for its review.

The proposed project includes the relocation of approximately 1,551,000 cubic yards of waste from the previously existing landfill to the proposed disposal area, and the installation of an associated landfill gas control system, with two (2) enclosed flares. Based on the information provided by the applicant and DEP's own analysis, the proposed landfill will have potential emissions of 238.3 tons per year of particulate matter, 57.8 tons of which will be particulate matter less than 10 microns (PM-10), 31 tons per year of carbon monoxide, 22.9 tons per year of nitrogen oxides (NO_x), 18.0 tons per year of volatile organic compounds (VOC), 12.8 tons per year of sulfur oxides (SO_x), 12.2 tons per year of total hazardous air pollutants (HAP), and 97,127 tons per year (CO₂ equivalent) of greenhouse gases.

The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The facility will additionally be subject to 40 CFR 60 Subpart W and 40 CFR 63 Subpart A, the applicable requirements of which are contained in the Plan Approval, and will be required to comply with the Department's established Best Available Technology requirements for municipal solid waste landfills.

During the hearing, in accordance with 25 Pa. Code §§ 127.49, the Department will accept and record testimony concerning Tri County's application. Persons wishing to present testimony at the hearing should contact Community Relations Coordinator Gary Clark, (814) 332-6615, at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony during the hearing will be limited to a maximum of five minutes and three written copies of the oral testimony, together with exhibits are required. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Department in care of Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Written submittals must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [43-292A] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Gary Clark or the Pennsylvania AT&T relay service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

Please refer to additional notices regarding Tri-County Landfill, Inc. in this *Pennsylvania Bulletin*.

OPERATING PERMITS

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

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

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

08-00001: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Houston, TX 77002) for renewal of the Title V Operating Permits for their Station 319 facility in Wyalusing Township, **Bradford County**. The representative of Tennessee Gas Pipeline Company, LLC to contact regarding the proposed operating permit is Mr. Murali Ramamoorthy, Principal Engineer, 1001 Louisiana Street, Houston, TX 77002.

The facility's main sources include two (2) 4500-hp compressor-turbines, one emergency generator-engine and small combustion units that are also fired on natural gas. 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 60 and 63 as well as 25 Pa. Code Chapters 121—145. The facility has the potential to emit of major quantities of NO_x emissions. The other criteria pollutants as well as hazardous air pollutant emissions are estimated to not exceed the respective major quantities. The air contaminant emissions from the facility's 2011 Air Information Management System (AIMS) report are as follows; 2.2 tpy of carbon monoxide, 10.7 tpy of nitrogen oxides, 0.3 tpy of particulate matter (PM), including PM less than 10 and 2.5 microns in diameter, 0.01 tpy of sulfur oxides, 0.3 tpy of volatile organic compounds, 0.01 tpy of hazardous air pollutants and 0.01 tpy of formaldehyde.

The proposed Title V operating permit for renewal has included the applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) for stationary reciprocating internal combustion to the emergency generator-engine at the facility. The NESHAP requirements included in the proposed Title V operating permit restrict generator-engine operation to 100 hours per year for non-emergency operation and require manufacturer's recommended maintenance and operation practices on the generator-engine. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

Permit No. 08-00001) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

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

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

43-00314: VEC Technology, Inc. (639 Keystone Road, Greenville, PA 16125), for renewal of Title V Permit to operate a boat manufacturing facility in Greenville Borough, **Mercer County**. The facility's major emitting sources include, 1) Closed mold gel coat, 2) Closed mold, 3) Open mold gel coat, 4) Open mold, and, 5) Adhesive, solvents, and miscellaneous processes. The facility has emission-limit of HAP and VOC combined that shall not exceed 40 TPY. The facility is a major facility due to its potential to emit of single HAP more than 10 TPY and combined HAP more than 25 TPY. The facility is subject to 40 CFR Part 63, Subpart WWWW and 40 CFR Part 63 Subpart VVVV.

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

09-00196: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) for operation of three thermal destructors, an acid and strip room process, melt furnaces, ball mills and their associated control devices at their plant, in Falls Township, **Bucks County**. The main pollutants emitted from the facility processes are NO_x, lead, mercury, and hydrochloric acid (including chlorine gas). The facility took emission restrictions for NO_x, single HAP and total combined HAPs just below the Title V facility threshold levels; therefore, it is a State-only (Synthetic Minor) facility. The proposed Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00059: Saint Mary Medical Center (1201 Langhorne Newtown Road, Langhorne, PA 19047) for a renewal Non-Title V Facility, State-Only, Synthetic Minor Permit in Middletown Township, **Bucks County**. Saint Mary Medical Center is a general medical and surgical Hospital. The facility has taken site level restrictions for natural gas and No. 2 fuel oil usage. The fuel restrictions will ensure that Saint Mary Medical Center remains under the emission thresholds of 25 tpy NO_x. Monitoring,

record keeping and reporting requirements have been added to the permit to address applicable limitations.

15-00082: Downingtown Area School District (445 Manor Avenue, Downingtown, PA 19335) for operation of six (6) boilers which provide heat to the campus buildings and three (3) emergency generators in Downingtown Borough, **Chester County**. This action is a renewal of the State Only Operating Permit (Synthetic Minor). The original State Only Operating Permit was issued on November 18, 2002. The facility took operating hour restrictions for the emission sources to limit the Nitrogen Oxides emissions produced by the consumption of fuels. The renewal contains all applicable monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

40-00106: Wyman-Gordon PA, LLC (710 Crestwood Drive, Mountain Top, PA 18707) for operation of a ring splitter saw and associated air cleaning device at their facility in the Crestwood Industrial Park, Wright Township, **Luzerne County**. This is a renewal State-Only Natural Minor operating permit. The proposed State-only Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

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.

06-05009: Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) for their limestone crushing and batch asphalt plants in Maxatawny 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 renewal for the above-mentioned facility.

The subject facility employs wet suppression to control particulate matter (PM) emissions from limestone crushing and handling. The batch asphalt plant includes a recycled asphalt paving (RAP) section and its PM emissions are controlled by a fabric filter. The crushing plant and the asphalt plant's RAP crusher are subject to 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The batch asphalt plant is subject to Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The facility's potential emissions are estimated at 47 TPY of PM-10, 154 TPY of SO_x, 210 TPY of NO_x, 63 TPY of VOC and 701 TPY of CO.

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 renewal 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. William R. Weaver, Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

67-03132: Voith Hydro, Inc. (P. O. Box 712, York, PA 17405) for their hydroelectric turbine equipment manufacturing and refurbishing 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 a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2011: 5.8 tons VOC; 2.4 tons NO_x; 2.0 tons CO; 0.2 ton PM₁₀; 2,838 tons CO₂; 0.1 ton CH₄; 0.1 ton N₂O; and 2,871 tons CO₂e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all 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.

Thomas Hanlon, P.E, 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

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

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

S12-034: Department of Veteran's Affair Medical Center and Nursing Home Care Unit (University and

Woodland Avenues, Philadelphia, PA 19104) for the operation of a hospital and nursing home in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 29.4 MMBtu/hr boilers with low NO_x burners, one (1) 17.3 MMBtu/hr boiler, two (2) 6.35 MMBtu/hr boilers, two (2) hot water heaters, eight (8) emergency generators, and an ethylene oxidizer.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

30841316. Consol Pennsylvania Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** to add acreage to install an overhead power line from the 6 South 1 Shaft to the 1L Shaft site. Surface Acres Proposed 34.3. No additional discharges. The application was considered administratively complete on December 10, 2012. Application received: May 11, 2012.

30841316. Consol Pennsylvania Coal Company, LLC, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine in Richhill Township, **Greene County** to install the 1L to 17A waterline and 17A borehole. Surface Acres Proposed 19.0. No additional discharges. The application was considered administratively complete on December 11, 2012. Application received: June 12, 2012.

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

56070110 and NPDES No. PA0262498. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 249 acres. Receiving stream(s): Schrock Run and UTs to Glades Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 30, 2012.

11970106 and NPDES No. PA0234591. Laurel Sand & Stone, Inc., P. O. Box 556, 210 E. Main Street, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving stream(s): unnamed tributary to South Branch of Blacklick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 3, 2012.

32110104 and NPDES No. PA0263303. Simkol Corporation, 1005A Bush Road, Saltsburg, PA 15681, transfer of an existing bituminous surface mine from Simpson Coal Company, 1003 Bush Road, New Alexandria, PA 15670, located in Young Township, **Indiana County**, affecting 40.5 acres. Receiving stream(s): Nesbit Run and unnamed tributary to Whiskey Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 29, 2012.

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

10120106 and NPDES Permit No. PA0259381. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA

16001) Commencement, operation and restoration of a bituminous surface mine in Fairview & Parker Townships and Petrolia Borough, **Butler County** affecting 465.7 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 29, 2012.

1475-10120106-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to construct a stream crossing over unnamed tributary No. 1 to South Branch Bear Creek and conduct mining activities within 100 feet of unnamed tributary No. 5 to South Branch Bear Creek in Fairview & Parker Townships and Petrolia Borough, **Butler County**. Receiving streams: Unnamed tributaries to South Branch Bear Creek, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: November 29, 2012.

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

17920115 and NPDES No. PA0207110. P & N Coal Company, Inc. (240 W. Mahoning Street, Punxsutawney, PA 15767), permit renewal for the continued operation and restoration of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 16.5 acres. Receiving stream: Unnamed Tributary to West Branch Susquehanna River, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: December 12, 2012.

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

35970201R3. APHC II, Inc., (148 Adams Avenue, Scranton, PA 18503), renewal of an existing anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 26.8 acres, receiving stream: unnamed tributary to Lackawanna River. Application received: December 7, 2012.

Noncoal Applications Received

<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

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

31970301 and NPDES Permit No. PA0234583. U. S. Silica Company, 8490 Stagecoach Circle, Ste. 300, Frederick, MD 21701, renewal of NPDES Permit, Brady Township, **Huntingdon County**. Receiving stream(s): Mill Creek classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 3, 2012.

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

58960804. Scott C. Tyler, (1425 State Route 3001, Meshoppen, PA 18630), Stage I & II bond release from a quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre on property owned by Scott C. Tyler. Application received: November 26, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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. PA0214736 (Mining Permit No. 56961301), RoxCOAL, Inc., (PO Box 149, 1576 Stoystown Road, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for Sarah Mine in Jenner Township, **Somerset County**. Surface Acres Affected 41.6, Underground Acres Affected 895.7. Receiving stream Unnamed Tributary to Roaring Run, classified for the following use: CWF and receiving stream Card Machine Run, classified for the following use: HQ-CWF. Kiskiminetas Conemaugh River Watersheds TMDL. The application was considered administratively complete on September 19, 2011. Application received May 20, 2011.

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

Outfall 001 discharges to: Unnamed Tributary to Roaring Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 11' 30" Long: 79° 05' 33") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.24	-
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
Osmotic Pressure (mOs/kg)		37	73	92
Sulfates (mg/l)		880	1760	2200
Total Dissolved Solids (mg/l)		1225	2450	3063
Chlorides (mg/l)		-	-	REPORT

Outfall 002 discharges to: Card Machine Run

The proposed effluent limits for *Outfall 002* (Lat: 40° 10' 46" Long: 79° 05' 32") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow				
Iron (mg/l)				
Manganese (mg/l)				
Aluminum (mg/l)				
Total Suspended Solids (mg/l)				
Settleable Solids (ml/l)				

NO DISCHARGE PERMITTED

Outfall 003 discharges to: Card Machine Run

The proposed effluent limits for *Outfall 003* (Lat: 40° 10' 48" Long: 79° 05' 26") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow				
Iron (mg/l)				
Manganese (mg/l)				
Aluminum (mg/l)				
Total Suspended Solids (mg/l)				
Settleable Solids (ml/l)				

NO DISCHARGE PERMITTED

Outfall 004 discharges to: Card Machine Run

The proposed effluent limits for *Outfall 004* (Lat: 40° 10' 51" Long: 79° 05' 25") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow				
Iron (mg/l)				
Manganese (mg/l)				
Aluminum (mg/l)				
Total Suspended Solids (mg/l)				
Settleable Solids (ml/l)				

NO DISCHARGE PERMITTED

NPDES No. PA0214736 (Mining Permit No. 56961301), RoxCOAL, Inc., (PO Box 149, 1576 Stoystown Road, Friedens, PA 15541). A revision to the NPDES and mining activity permit for the Sarah Mine in Jenner Township, **Somerset County** to change the water handling plan and discharge rate for *Outfall 001*. Surface Acres Affected 1.9. Receiving stream: Unnamed Tributary to Roaring Run, classified for the following use: CWF. Kiskiminetas Conemaugh Watershed TMDL. The application was considered administratively complete on June 8, 2011. Application received February 11, 2011.

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

Outfall 001 discharges to: Unnamed Tributary to Roaring Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 11' 30" Long: 79° 05' 33") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.70	-
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
Osmotic Pressure (mOs/kg)		37	73	92
Sulfates (mg/l)		880	1760	2200
Total Dissolved Solids (mg/l)		1225	2450	3063
Chlorides (mg/l)		-	-	REPORT

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

NPDES No. PA0269123 (Mining permit no. 32120105), Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, for a new NPDES permit for surface mining activities in Burrell Township, **Indiana County**, affecting 117.3 acres. Receiving stream(s): unnamed tributary to Blacklick Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: September 19, 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 listed below discharges to an unnamed tributary to Blacklick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
SP-1	Y

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

<i>Outfalls: SP-1 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

The outfall listed below requires a non-discharge alternative.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
TP-1	Y

NPDES No. PA0608483 (Mining permit no. 11850102), Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, renewal of an NPDES permit for bituminous surface mine in Gallitzin and Logan Townships, **Cambria and Blair Counties**, affecting 199.6 acres. Receiving stream(s): unnamed tributaries to Little Laurel Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Clearfield Creek TMDL. Application received: December 4, 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 Laurel Run.

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

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1088 Pennsylvania Turnpike Commission; Towamencin, Worcester, and Upper Gwynedd Townships, Montgomery County; ACOE Philadelphia District

To perform the following Water Obstructions and Encroachment activities associated with widening of the Pennsylvania Turnpike (I-276) from Mile Post (M.P.) A25.67 (just north of Bethel Road) to M.P. A31.82 (just north of Fretz Road). This proposed 4.81-mile roadway improvement is the final phase (Northern Section Phase V) of a larger phased 11-mile reconstruction and widening of the Northeast Extension of the Pennsylvania Turnpike (I-476) from Mid-County Interchange to just north of the Lansdale Interchange (M.P. A20 to M.P. A30). This project will replace the existing four traffic lanes with six traffic lanes, median, and shoulders as it traverses through Worcester, Upper Gwynedd, and Towamencin Townships in Montgomery County. The Compensatory mitigation for impacts to wetlands and waterways for this project was authorized under PADEP Permit No. E46-1044.

1. To replace, extend, and maintain an existing 30" RCP culvert and place rock apron in an intermittent

unnamed tributary to Zacharias Creek (WUS56) at 40°11'56.06"N, 75°19'9.89"W, with permanent stream impact of 30 linear feet and temporary stream impact of 17 linear feet at Station 341+95.

2. To extend, and maintain the existing 14-foot wide by 9-foot high arch culvert at upstream and downstream including the associated scour protection in Zacharias Creek (TSF) (WUS28/55) at 0°11'56.06" N, 5°19'9.89" W, with permanent stream impact of 120 linear feet at Station 356+57.

3. To place and maintain fill in the emergent and shrub/scrub (W11) wetlands at 40°11'57"N, 75°19'6.4" W, with permanent wetland impact of 0.014 acre and temporary wetland impact of 0.047 acre at station 57+70.

4. To place and maintain fill in the forested, shrub/scrub, and emergent wetlands (E15A) at 40°11'57.8"N, 75°19'2.84" W, with permanent wetland impact of 0.069 acre and temporary wetland impact of 0.014 acre at Station 357+70.

5. To extend and maintain an existing 30-inch RCP culvert at upstream and downstream in an intermittent unnamed tributary to Zacharias Creek (WUS54) at 40°12'4.90"N, 75°12'4.90"W, with permanent stream impact of 40 linear feet and temporary stream impact of 9 linear feet at Station 362+90.

6. To place and maintain fill in the forested, shrub/scrub, and emergent wetlands (E16) at 40°12'2.9", 75°19'5.3"W, with permanent wetland impact of 0.057 at Station 362+58.

7. To place and maintain fill in the forested, shrub/scrub, emergent (W10C) wetlands at 40°12'4.4"N, 75°19'8.9"W, with permanent wetland impact of 0.316 acre and temporary wetland impact of 0.007 at Station 364+00, associated with construction of a permanent stormwater management basin.

8. To install and maintain a retaining wall along the North Branch of Zacharias Creek (TSF) (WUS 29/53) at 40°12'15.72"N, 75°19'10.24"W, with permanent stream impact of 37 linear feet (WUS 29/53) at Station 377+35.

9. To install and maintain a retaining wall in the forested, shrub/scrub, emergent wetland (E16A) at 40°12'15.91"N, 75°19'11.36"W, with temporary wetland impact of 0.011 acre at Station 376+00.

10. To install and maintain a retaining wall in the forested wetland (W10B) at 40°12'14.65", 75°19'15.25"W, with temporary wetland impact of 0.033 acre at Station 378+44.

11. To replace, extend, and maintain a 42-inch RCP culvert and associated rock apron in an intermittent unnamed tributary to North branch of Zacharias Creek (TSF) (WUS 52) at 40°12'11.95" N, 75°19'11.44" W, with permanent stream impact of 33linear feet at Station 389+74.

12. To place and maintain fill in an intermittent unnamed tributary to Towamencin Creek (WUS 49) at 40°12'43.27" N, 75°19'30.30" W, with permanent stream impact of 220 linear feet at Station 411+86, associated with construction of an access road and placement of rock apron.

13. To place and maintain fill in the intermittent unnamed tributary to Towamencin (TSF) (WUS 51) at 40°12'43.27" N, 75°19'30.30" W, with permanent stream impact of 53 linear feet at Station 411+40, associated with construction of an access road and placement of rock apron.

14. To place and maintain fill in an unnamed intermittent tributary to Towamencin Creek (TSF) (WUS 51A) at 40°12'43.27" N, 75°19'30.30" W, with permanent stream impact of 55 linear at Station 411+62, associated with construction of an access road and placement of rock apron.

15. To extend and maintain the existing 5-foot wide, 3-foot rise RC box culvert, and associated scour protection in an unnamed tributary to Towamencin Creek (TSF) (WUS 48/30) at 40°12'57.98" N, 75°19'35.77" W, with Permanent stream impact of 88 linear feet at Station 420+12.

16. To place and maintain fill in an intermittent unnamed tributary to Towamencin Creek (TSF) (WUS 29A) at 40°12'58.94" N, 75°19'36.05" W, with permanent stream impact of 363 linear feet at Station 419+832 associated with construction of a permanent storm water management basin.

17. To install and maintain a retaining wall along an unnamed tributary to Towamencin Creek (TSF) (WUS EG/WO) at 40°13'7.18" N, 75°19'43.40" W, with temporary stream impact of 20 linear feet 431+95, and 431+82.

18. To place and maintain fill in a unnamed tributary to Towamencin Creek (TSF) (WUS WO) at 40°13'7.18" N, 75°19'43.40" W, with permanent stream impact of 22 linear feet and temporary stream impact of 118 linear feet acre at Station 451+80, associated with construction of a retaining wall, and placement of rock apron.

19. To extend and maintain the existing 30-inch RCP culvert and placement of rock apron in an intermittent unnamed tributary to Towamencin Creek (TSF) (WUS WOA) at 40°13'15.07" N, 75°19'48.8" W, with permanent stream impact of 45 linear feet at Station 444+51.

20. To extend and maintain an existing 26-foot by 14-foot RC arch culvert and placement of scour protection in Towamencin Creek (TSF) (WUS EI/EN) at 40°13'28.70" N, 75°19'55.99" W, with permanent stream impact of 57 linear feet at Station 457+50.

21. To place and maintain fill in an intermittent unnamed tributary to Towamencin Creek (TSF) (WUS EM) at 40°13'28.70" N, 75°19'55.99" W, with permanent stream impact of 209 linear feet at Station 458+65, associated with construction a temporary sediment trap, retaining wall, and drainage swale.

22. To replace, extend and maintain the existing 34-inch by 53-inch culvert and placement of rock apron in an unnamed tributary to Towamencin Creek (TSF) (WUS 31/45) at 40°13'37.39" N, 75°20'1.01" W, with permanent stream impact of 89 linear feet at Sta. 470+28.

23. To place and maintain fill in an intermittent unnamed tributary to West Branch Towamencin Creek (TSF) (WUS 44) at 40°14'1.72" N, 75°20'19.04" W, with permanent steam impact of 49 linear feet at Station 494+24, associated with construction of a drainage swale and placement of rock apron.

24. To construct and maintain a retaining wall, and to grade for drainage swale in an intermittent unnamed tributary to West Branch Towamencin Creek (TSF) (WUS 32) at 40°14'4.31" N, 75°20'13.33" W, with permanent stream impact of 429 linear feet at Station 497+33.

25. To relocate and maintain the existing 42-inch pipe culvert in an intermittent unnamed tributary to West Branch Towamencin Creek (TSF) (WUS 36/41) at 40°14'13.18" N, 75°20'21.92" W, with permanent stream impact of 47 linear feet at Station 507+31.

26. To place and maintain fill in an intermittent unnamed tributary to West Branch Towamencin Creek (TSF) (WUS 36/41) at 40°14'13.18" N, 75°20'21.92" W, with permanent stream impact of 23 linear feet and temporary stream impact of 25 linear feet at Station at 509+66, associated with construction of the access road. This work also includes the replacement, and extension of the existing depressed pipe culvert.

27. To place and maintain fill in the emergent wetland (W1E) at 40°14'12.43" N, 75°20'23.65" W, with permanent wetland impact of 0.004 acre at Station 507+31, associated with widening the access road. This work also includes the replacement, and extension of the existing pipe culvert.

28. To place and maintain fill in the emergent wetland (W1F) at 40°14'12.26" N, 75°20'25.08 W, with permanent wetland impact of 0.002 acre at Station 507+44, associated with widening the access road. This work also includes the replacement, and extension of the existing pipe culvert.

29. To place and maintain fill in an intermittent unnamed tributary to West Branch Towamencin Creek (TSF) (WUS EL) at 40°14'16.87" N, 75°20'23.20" W, with permanent stream impact of 129 linear feet and temporary stream impact of 197 linear feet at Station 512+31, associated with installation of a retaining wall and grading for a drainage swale.

30. To place and maintain place fill in the intermittent unnamed tributary to West Branch Towamencin Creek (TSF) (WUS 42) at 40°14'15.16" N, 75°20'24.95" W, with permanent stream impact of 267 linear feet at Station 510+00, associated with roadway widening, grading for drainage swale, and placement of rock apron.

31. To extend and maintain the existing box culvert across an unnamed tributary to Skippack Creek (TSF) (WUS 39/40) at 40°14'58.99" N, 75°20'47.22" W, with permanent stream impact of 466 linear feet at Station 557+93. This work includes placement of scour protection, and relocation of a segment of the stream to accommodate the construction of the retaining wall associated with Ramp B-1 realignment.

32. To install an orifice associated with maintenance of base flow in an intermittent unnamed tributary to Skippack Creek (TSF) (WUS 37) at 40°15'23.29" N, 75°20'54.19"W, with permanent stream impact of 20 linear feet at Station 549+60.

33. To place and maintain fill in the emergent wetland (W1) at 40°14'59.07" N, 75°20'51.49" W, with permanent wetland impact of 0.055 acre and temporary wetland impact of 0.027 acre at Station 558+50, associated with roadway widening and placement of a temporary crane pad.

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

E21-434: South Middleton Township Municipal Authority, PO Box 8, Boiling Springs, Pennsylvania 17007, in Monroe Township, **Cumberland County**, ACOE Baltimore District

To 1) remove the existing filter building, chlorine contact tanks, distribution chambers, and headworks, totaling 0.06 acre of structure in the floodplain of Yellow Breaches Creek (HQ-CWF), 2) construct and maintain new equalizations tanks (EQ1 and EQ2), blower pads for EQ1 and EQ2, a distribution chamber, two 57.0-foot diameter clarifiers, a filter/chemical building, a flusher

facility, and associated piping and paving totaling 0.33 acre of structure in the floodplain of Yellow Breaches Creek (HQ-CWF), 3) install and maintain 36.0 linear feet of two 4.0-inch HDPE utility pipes under Palustrine Emergent (PEM) wetlands utilizing horizontal boring, and 4) construct and maintain two 8.0-inch HDPE and one 4.0-inch PVC utility lines in and along an Unnamed Tributary to Yellow Breaches Creek (HQ-CWF), including a temporary crossing of 0.01 acre of PEM wetland. The purpose of the project is to upgrade the existing South Middleton WWTP, located at 345 Criswell Drive, Monroe Township, Cumberland County (Mechanicsburg, PA Quadrangle; Latitude: 40°08'56", Longitude: -77°05'47").

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

E14-550. The Pennsylvania State University, 101P Physical Plant, University Park, PA 16802. Musser Gap Trail Over Slab Cabin Run, in Ferguson Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle N: 40° 45' 26.18"; W: -77° 51' 5.15").

To construct and maintain a 48-foot clear span steel pedestrian bridge on cast-in-place concrete abutments with the associated R-4 riprap protecting the abutments and 35 cubic yards of clean approach ramp fill to carry the Musser Gap Recreational Trail over Slab Cabin Run. This project proposes to temporarily impact 150 square feet and permanently impact 15 linear feet of Slab Cabin Run, which is classified as Cold Water, Native Trout Stream.

E41-640. PA DCNR Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. Pedestrian Bridge in Brown Township, **Lycoming County**, ACOE Baltimore District (Slate Run, PA Quadrangle Lat: 41°28'17.0"; Long: 77°30'18.7").

To construct and maintain a pedestrian bridge having a 100-foot clear span, 5-foot width and an 8.5-foot underclearance on Black Forest Trail located over Slate Run in Tiadaghton State Forest located 0.1 mile upstream from Pine Creek and State Owned Bridge SR 4016. The proposed bridge will not increase surface runoff, upstream backwater elevations or stream velocities. This project will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. This project proposes to have 50 linear feet of temporary stream impacts to Slate Run, which is classified as Exceptional Value (EV)—Migratory Fishery (MF) waterway.

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

E56-365. Pennsylvania Department of Transportation—District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648, Brothers Valley Township, **Somerset County**; ACOE Pittsburgh District

Applicant proposes to remove the existing 26.5' long, 12' wide, single span, SR 219 bridge with a 75 degree skew and to construct and maintain a new 57' long, 13' wide box culvert with a 83 degree skew and minimum 7' underclearance with 1' invert depressed over an unnamed tributary to Buffalo Creek (CWF) with a drainage area of 0.26 square mile; and construct and maintain associated stormwater outfalls. The new culvert is located on an adjacent alignment with the existing bridge. (Murdock Pa

Quadrangle; N: 1.1 inches; W: 4.7 inches; Latitude 39° 53' 14"; Longitude 79° 1' 57") Brothers Valley Township, Somerset County.

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

E4129-063: PVR NEPA Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Plunketts Creek & Shrewsbury Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch natural gas pipeline and a timber mat bridge impacting 47 linear feet of an unnamed tributary to South Fork Bear Creek (EV) (Picture Rocks Quadrangle 41°21'49"N 76°42'31"W).

The project will result in 47 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5729-050.

E5729-050: PVR NEPA Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Shrewsbury Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch natural gas pipeline and a timber mat bridge impacting 68 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'01"N 76°41'03"W);

(2) one 12 inch natural gas pipeline and a timber mat bridge impacting 102 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'03"N 76°41'08"W);

(3) one 12 inch natural gas pipeline and a timber mat bridge impacting 157 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'05"N 76°41'17"W);

(4) one 12 inch natural gas pipeline and a timber mat bridge impacting 31 linear feet of an unnamed tributary to Bear Creek (EV) (Picture Rocks Quadrangle 41°22'07"N 76°41'19"W).

The project will result in 358 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-063.

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>
PA0062570 (Sewage)	Covington Township Sewer Authority P. O. Box 266 Moscow, PA 18444	Lackawanna County Covington Township	Roaring Brook (5-A)	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>
PA0217565 Sewage	Maple Valley Personal Care Home 2212 Anthony Run Road Indiana, PA 15701	Indiana County Armstrong Township	Anthony Run	Y
PA0218847 Sewage	Pyramid Healthcare PO Box 967 Duncansville, PA 16635-0967	Cambria County Reade Township	Drainage Swale to Powell Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103713 (Industrial Waste)	Scrubgrass Generating Plant 2151 Lisbon Road Kennerdell, PA 16374	Venango County Scrubgrass Township	Allegheny River, Falling Spring Run, Unnamed Tributary of Allegheny River (16-G)	Y
PA0239674 (Sewage)	Cooper Lake Campground 205 Currie Road Slippery Rock, PA 16057-4527	Butler County Worth Township	Muddy Creek (20-C)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0026042 A-1, Sewage, SIC Code 4952, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018.

This existing facility is located in Bethlehem City, **Northampton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

NPDES Permit No. PA0021580, Sewage, SIC Code 4952, **Catasauqua Borough Lehigh County**, 118 Bridge Street, Catasauqua, PA 18032.

This existing facility is located in Catasauqua Borough, **Lehigh County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit renewal for an existing discharge of treated Sewage.

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

NPDES Permit No. PA0254606, Sewage, **Saltsburg Borough**, 320 Point Street, Saltsburg, PA 15681

This proposed facility is located in Saltsburg Borough, **Indiana County**

Description of Proposed Action/Activity: Permit issuance for discharge of treated sewage.

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

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

WQM Permit No. 4812402, Sewerage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a permit for replacement and relocation of Combined Sewer Overflow (CSO) 004 to a new location known as CSO 012, in accordance with the City of Bethlehem's approved CSO Long Term Control Plan.

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

WQM Permit No. 3890202, Amen No. 12-1, Industrial Waste, **Keystone Protein Co.** PO Box 37 Fredericksburg, PA 17026.

This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Approval is granted for the modification of existing complete mix activated sludge process to a 4 stage BNR process.

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

WQM Permit No. 1612403, Sewage, **PA American Water**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Clarion Borough, **Clarion County**.

Description of Proposed Action/Activity: The existing dual pump Liberty Street Pump Station is to be replaced by a duplex suction lift pump station with wet weather storm water storage.

WQM Permit No. 2073408-T1, Sewage, **Transfer, U.S. Bronze Foundry & Machine, Inc.**, P. O. Box 458, 18649 Brake Shoe Road, Meadville, PA 16335.

This existing facility is located in Woodcock Township, **Crawford County**.

Description of Proposed Action/Activity: Transfer of permit from Abex Corp. n/k/a Pneumo Abex LLC to US Bronze Foundry & Machine.

WQM Permit No. 2076201 Sewage, **U.S. Bronze Foundry & Machine, Inc.**, P. O. Box 458, 18649 Brake Shoe Road, Meadville, PA 16335.

This existing facility is located in Woodcock Township, **Crawford County**.

Description of Proposed Action/Activity: Cancellation of permit.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912014	County of Lehigh 17 South Seventh St. Allentown, PA 18101	Lehigh	South Whitehall Twp.	Cedar Creek, HQ-CWF, MF
PAI024806013R	Cetronia Ambulance Corps., Inc. 7355 William Avenue Allentown, PA 18106 Exeter 2251 Newlins Mill LP 2261 Butler Pike Suite 200 Plymouth Meeting, PA 19462	Northampton	Palmer Twp.	Bushkill Creek, HQ-CWF, MF; Shoeneck Creek, WWF, MF
PAI021312001	Brian Stroup 425 Springhouse Lane Palmerton, PA 18071	Carbon	Lower Towamensing Twp.	Unnamed Tributary to Hunter Creek, HQ-CWF; Hunter Creek, HQ-CWF; Buckwha Creek, HQ-CWF, MF; Aquashicola Creek, TSF, MF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities

PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02—Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

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>
Straban Township Adams County	PAG02000112028	David Lippert Dal-Tile Corporation 7834 C. F. Hawn Freeway Dallas, TX 75217	Swift Run/West Branch Conewago Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
South Middleton Township Cumberland County	PAG02002112025	NTR Commerce LTD PO Box 62 Plainfield, PA 17081	Alexander Spring Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
West Hanover Township Dauphin County	PAG02002212033	James Martin Cleveland Brothers Equipment Co. 4565 William Penn Highway Murrysville, PA 15668	Beaver Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02002212040	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Cornwall Borough Lebanon County	PAG02003812023	Paul Weidman PO Box 125 Cornwall, PA 17016	Snitz Creek/TSF	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>
South Londonderry Township Lebanon County	PAG02003810023R	Jesse Ziegler 1011 Beech Street Palmyra, PA 17078	Little Conewago Creek/TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Londonderry Township Lebanon County	PAG02003810016R	Dennis Hess 860 East Canal Road Hershey, PA 17033	Swatara Creek/WWF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
York Township York County	PAG02006712049	David Hogg Queen Pauline, L.P. 146 Pine Grove Circle York, PA 17403	Mill Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Dover Township York County	PAG02006707067R	Michael Groft MGM Enterprises, Inc. 1 Waterford Professional Center York, PA 17402	Little Conewago Creek/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township York County	PAG02006707072R	James Craft J.J. One, LP 2780 York Haven Road PO Box 8 York Haven, PA 17370	UNT to Oak Run/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
East Manchester and Manchester Townships York County	PAG02006707081R	Jerry Watson Barnhart Drive Associates, LP 30 Marianne Drive York, PA 17406	UNT to Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
New Freedom Borough York County	PAG02006712054	William Briegel Fox Clearing, LLC 327 Granite Run Drive, Suite 100 Lancaster, PA 17601	South Branch Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
East Manchester Township York County	PAG02006703015R	Jeffrey Rutt Fox Clearing, LLC 227 Granite Run Drive, Suite 100 Lancaster, PA 17601	UNT to Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

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Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Athens Township Bradford County	PAG02000812041	Michael P Kelly Senior Health Care Solutions 401 Moltke Ave Ste 100 Scranton PA 18505	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Leroy Township Bradford County	PAG02000812043	Linda Pepper 10467 Route 514 Monroeton PA 18832	Towanda Creek TSF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Ferguson Twp Centre County	PAG02001412014	Ian Salada Penn State Univ 101P Physical Plant Bldg University Park PA 16802	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
College, Ferguson & Patton Twps Centre County	PAG02001412015	Ian Salada Penn State Univ 101P Physical Plant Bldg University Park PA 16802	Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Wolf Township Lycoming County	PAG02004112014	David Thomas 555 Cemetery Dr Hughesville PA 17737	UNT to Wolf Run CWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Loyalsock Twp Lycoming County	PAG02004112031	James Wolyniec Wolyniec Const 294 Freedom Rd Williamsport PA 17701	Headwaters to Grafius Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville PA 17754 (570) 433-3003
Mifflinburg Borough Union County	PAG02006012004	PA Dept of Transportation Eng Dist 3-0 PO Box 218 Montoursville PA 17754	Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Ambridge Borough Beaver County	PAG02000412017	Ambridge Municipal Authority 600 Eleventh Street Ambridge, PA 15003	Ohio River (WWF, N)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Ambridge Borough Beaver County	PAG02000412018	Ambridge Municipal Authority 600 Eleventh Street Ambridge, PA 15003	Ohio River (WWF, N)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001
Brothersvalley Township Somerset County	PAG02005612009	Dovan Farms 582 Rocky Lane Berlin, PA 15530	Buffalo Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271
Cecil Township Washington County	PAG02006307027R1	Sippel Enterprises 2591 Wexford Bayne Road Suite 100 Sewickley, PA 15143	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Mt. Pleasant Township Washington County	PAG02006312036	Tri-State Management PO Box 68 Hickory, PA 15340	UNT to Chartiers Creek (WWF) UNT to Burgetts Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

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>
Slippery Rock Borough Butler County	PAG02001005024R	Howard E. Meyer 210 White Oak Drive Slippery Rock PA 16057	Wolf Creek CWF	Butler County Conservation District 724-284-5270
Millcreek Township Erie County	PAG02002511009R	Citadel Development Corporation PO Box 8328 Erie PA 16505	Unt Lake Erie WWF; MF	Erie County Conservation District 814-825-6403
Washington Township Erie County	PAG02002512024	Washington Township Housing Senior Housing LP 4949 Galaxy Pkwy, Ste. S Warrensville Heights OH 44128	Unt Edinboro Lake WWF	Erie County Conservation District 814-825-6403
Springfield Township Mercer County	PAG02004312003	PADOT District 1-0 255 Elm Street Oil City PA 16301	Neshannock Creek TSF	Mercer County Conservation District 724-662-2242

General Permit Type—PAG-03

Facility Location:

<i>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 Dublin Township Montgomery County	PAR900001	Waste System Authority of Eastern Montgomery County P. O. Box 311 Norristown, PA 19404	Sandy Run—3F	Southeast Region Clean Water Program 484.250.5970

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<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>
Lower Swatara Twp. Dauphin County	PAR803705	UPS Cartage Service Inc. 296 Airport Drive Middletown PA 17057	Susquehanna River / WWF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Mount Pleasant Borough Westmoreland County	PAR216149	Klocek Burial Vault Company 153 Quarry Street Mount Pleasant, PA 15666	UNT to Shupe Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Frazer Township Allegheny County	PAR606161	Bastin Truck Parts 1716 Butler Logan Road Tarentum, PA 15084	Bull Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
North Huntingdon Township Westmoreland County	PAR116131	Extrude Hone Corporation 235 Industry Boulevard Irwin, PA 15642-1000	UNT of Tinkers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Harmony Township Beaver County	PAR206165	O'Neal Steel, Inc. 2975 Duss Avenue Building 3-9 Ambridge, PA 15003	Legionville Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

General Permit Type—PAG-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>
York County Springfield Township	PAG043928	James C. & Debra W. Eberly 7268 Ironstone Hill Road Dallastown, PA 17313	UNT of East Branch Codorus Creek / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-7**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>
Single Family Residence Liberty Township Susquehanna County	PAG042228	Elmer Brown 2146 Lower Rhiney Road Hallstead, PA 18822-9743	Rhiney Creek Cold Water Fishes 4-E	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-8**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Contact Office & Telephone No.</i>
Telford Borough Authority Telford Borough Montgomery & Bucks County	PAG080006	Telford Borough Authority 122 Penn Avenue Telford, PA 18969	Southeast Region Clean Water Program 484.250.5970
Upper Gwynedd-Towamencin Municipal Authority Towamencin Township Montgomery County	PAG080008	Upper Gwynedd-Towamencin Municipal Authority 2225 Kriebel Road Lansdale, PA 19446	Southeast Region Clean Water Program 484.250.5970

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Clay Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Earl Ray Zimmerman Farm 730 Flintstone Road Ephrata, PA 17522	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Southampton Township Cumberland County	PAG080016 PAG083556 PAG083605	Merrell Bros., Inc. 8811 West 500 North Kokomo, IN 46901	Rodney Monn Farm 1246 Baltimore Road Shippensburg, PA 17257	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

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 (35 P. S. §§ 721.1—721.17).**

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

Permit No. 3812513 MA, Minor Amendment, Public Water Supply.

Applicant
Municipality

Jack & Jill Preschool, Inc.
North Cornwall Township

County **Lebanon**
 Responsible Official Kathleen M Fessler, Co-Director
 280 Hillcrest Road
 Lebanon, PA 17042
 Type of Facility Installation of disinfection and
 contact tanks for GWR 4-log
 treatment of viruses for EP 100.
 Consulting Engineer Charles A Kehew II, P.E.
 James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401
 Permit to Construct 12/13/2012
 Issued:

Permit No. 3812503 MA, Minor Amendment, Public Water Supply.

Applicant **UMH Properties, Inc.**
 Municipality Swatara Township
 County **Lebanon**
 Responsible Official Jeffrey V Yorick, Professional
 Engineer
 1275 Foreman Drive
 Morgantown, WV 26508
 Type of Facility Monroe Valley MHP; installation
 of additional contact piping for the
 GWR 4-log inactivation of viruses
 for EP 101.
 Consulting Engineer Thomas G Pullar, P.E.
 EarthRes Group Inc
 P O Box 468
 Pipersville, PA 18947
 Permit to Construct 12/10/2012
 Issued:

Permit No. 3812505 MA, Minor Amendment, Public Water Supply.

Applicant **Locust Grove MHP**
 Municipality East Hanover Township
 County **Lebanon**
 Responsible Official James Herr, Owner
 10224 Jonestown Road
 Grantville, PA 17028
 Type of Facility Installation of additional contact
 piping for the GWR 4-log
 inactivation of viruses for EP 101.
 Consulting Engineer David J Gettle
 Kohl Bros., Inc.
 PO Box 350
 Myerstown, PA 17067
 Permit to Construct 12/10/2012
 Issued:

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

Permit No. Minor Amendment—Construction and Operation Public Water Supply.

Applicant **City of DuBois**
 [Township or Borough] City of DuBois

County City of DuBois and Sandy
 Township
 Responsible Official Mr. John Suplizio
 City of DuBois
 16 West Scribner Avenue
 P. O. Box 408
 DuBois, PA 15801
 Type of Facility Public Water Supply
 Consulting Engineer Chris Nasuti, P.E.
 City of DuBois
 16 West Scribner Avenue
 P. O. Box 408
 DuBois, PA 15801
 Permit Issued December 14, 2012
 Description of Action Construction and Operation of the
 recently installed Platt Road Bulk
 Water Truck Fill Station and the
 three recently installed Aspen
 Way Bulk Water Truck Fill
 Stations.

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

Permit No. 1077501-T1-MA1 Public Water Supply

Applicant **Pennsylvania American Water Company**
 Township or Borough Connoquenessing Township
 County **Butler**
 Type of Facility Public Water Supply
 Consulting Engineer Bruce A. Brubaker, P.E.
 Pennsylvania-American Water
 Company
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Permit to Construct 12/12/2012
 Issued

Operation Permit issued to **Pennsylvania American Water Company**, PWSID #6420019, Wetmore Township, **McKean County**. Permit Number 4211501 issued December 12, 2012 for the operation of the new High Service Pump Station at the Public Water Supply system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 15, 2012.

Cancellation of Permit issued to **Willey Campus Trailer Court c/o Farren Willey**, PWSID #6250015, Washington Township, **Erie County** on December 6, 2012. This action represents the cancellation of Permit Number 2589509 issued April 4, 1990. This action is a result of Willey Campus Trailer Court no longer being a Public Water Supply.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Plan Location: Christian Springs Road Residential Connection

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Nazareth Township	Township Building 306 Butztown Road Bethlehem, PA 18020	Northampton

Plan Description: The approved plan provides for the Christian Springs Road Residential Connection, which Lower Nazareth Township submitted to the Department on November 5, 2012. The submission was found to be consistent with the planning requirements given in Chapter 71 of the Rules and Regulations of the Department.

This Planning Module proposes to allow the future connection of 43 existing dwellings (currently served by on-lot sewage disposal systems) to the existing Gravity Sewer Main in Christian Springs Road. The sewer main conveys sewage to the Nazareth Borough Municipal Authority Wastewater Treatment Plant and was installed by the developer of the Trio Farms Development for the residents of that development.

During construction of the Gravity Sewer Main, the developer installed individual sewer service laterals to the township road right-of-way for future connection by the property owners along Christian Springs Road. The individual property owners will be responsible for contracting with a plumber to install their own laterals to connect to the sewer main. However, the homeowners will not be required to connect to the public sanitary sewer.

If all 43 existing dwellings connect to the public sewer system, the expected flow increase will be 8,600 GPD based on 200 gallons per day/EDU.

The existing sewer main is owned and operated by the Nazareth Borough Municipal Authority.

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

Brentwood Industries, 2101 Lehman Street, Lebanon, PA 17046, West Lebanon Township, **Lebanon County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Brentwood Industries, Inc., 2101 Lehman Street, Lebanon, PA 17046, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 and No. 4 fuel oils from nonregulated underground storage tanks. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

Former Monaca Tank Farm (FUDS), Raccoon Creek Road, Potter Township, **Beaver County**. Brent Graybill, USACE, 10 South Howard Street, Baltimore MD 21201, on behalf of the Department of Defense and Potter Township, Beaver County, 206 Mowry Road, Monaca, PA 15061 has submitted a Final Report concerning the site remediation of contamination associated with this formerly used defense site (FUDS). A residential Statewide health standard will be attained.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection

of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Clifford N. Steinig Property, 4854 Londonderry Road, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Clifford N. Steinig 1500 Appletree Road, Harrisburg, PA 17110, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on December 12, 2012.

Former Allison Hill Automotive and Former Conrail Property, 47 South 14th Street (Automotive), and 124 South 17th Street (Conrail), Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. Skelly & Loy, Inc., 449 Eisenhower Boulevard, Harrisburg, PA 17111, on behalf of Redevelopment Authority of the City of Harrisburg, 10 North Second Street, Suite 405, Harrisburg, PA 17105, submitted a Final Report concerning remediation of site soils contaminated with VOCs, PAHs and inorganics. The Final Report demonstrated attainment of the Residential Statewide Health and Site-Specific standards, and was approved by the Department on December 13, 2012.

MUNICIPAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM043. Iron City Express, Inc., 1306 Main Street, Glenwilliard, PA 15046. The general permit is for processing construction and demolition waste for beneficial use through recycling. The processing is limited to manual and heavy equipment sorting. The permit was issued by Central Office on December 7, 2012.

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

REGISTRATION FOR MUNICIPAL WASTE GENERAL PERMITS

Registration for General Permit issued under the Solid Waste Management Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGM038-SC002. Gypsum Agri-cycle, Inc., 280 Oremine Road, Mt. Joy, PA 17552. The Department of Environmental Protection has issued a registration under General Permit WMGM038 to Gypsum Agri-cycle, Inc. This registration is for their location at 280 Oremine Road, Mt. Joy, PA 17552. The registration was issued on December 12, 2012.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

REGISTRATION FOR GENERAL PERMIT-RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR025NC002. State College Borough, 243 South Allen Street, State College, PA 16801. Registration to operate under General Permit No. WMGR025 for a composting facility located in

Patton Township, **Centre County**, for recycling of food residuals and yard wastes. The registration was approved by NorthCentral Regional Office on December 7, 2012.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 300725. Aqua Pennsylvania, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420. This minor permit modification approves the construction of the remaining phases of the soil embankment and a new riser system at the Neshaminy Falls Residual Waste Landfill, a captive Class III residual waste landfill located in Middletown Township, **Bucks County**. The permit was issued by the Southeast Regional Office on November 30, 2012.

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

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

Permit No. 101290. Waste Management of Pennsylvania, Inc. 1000 New Ford Mill Road, Morrisville PA 19067. This solid waste permit application modification was originally submitted on June 13, 2012, seeking the approval to conduct the transfer of recyclable materials in a portion of the Baling and Transfer Building at the Philadelphia Transfer Station and Recycling Center, a municipal waste transfer facility located at 3605 Grays Ferry Avenue in the City of Philadelphia. The application was withdrawn on September 7, 2012 by request of the applicant.

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.

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.

GP14-07-03053: Keystone Crematory Center, LLC (14443 S Eagle Valley Road, Tyrone, PA 16686) on December 12, 2012, for their human crematory, under GP14, at their crematory facility in Snyder Township, **Blair County**. The general permit authorization was renewed.

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

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

GP1-33-171B: Punxsutawney Area School District—Punxsutawney High School (450 North Findley Street, Punxsutawney, PA 15767) on December 10, 2012, for the operation of existing 10.5 & 3.8 MMBtu/hr natural gas fired boilers (BAQ-GPA/GP-1) in Punxsutawney Borough, **Jefferson County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

46-0037AC: Global Advanced Metals USA, Inc. (650 County Line Road, Boyertown, PA 19512) on December 7, 2012, to install a sodium flame synthesis process and associated air cleaning device at their Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**. This facility is a Title V facility. The installation will result in particulate matter emissions of 0.0032 ton per year. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0020I: Superior Tube Co., Inc. (3900 Germantown Pike, Collegeville, PA 19426) on December 13, 2012, for modification to restore the allowable production increase & increase the annual allowable non-HAP VOC emission limits for vapor degreaser No. 661 that utilize nPB as the cleaning solvent in Lower Providence Township, **Montgomery County**. This modification will result in a net increase in potential VOC emissions of 16.0 tons per year. This facility is a Title V facility. The Plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

36-05008H: Tyson Foods, Inc. (PO Box 1156, 403 South Custer Avenue, New Holland, PA 17557-0901) on December 10, 2012, to authorize the use of treated landfill gas in four of their thermal fluid heaters at the chicken processing facility in Earl Township, **Lancaster County**. The Plan Approval will also incorporate a 100,000 ton per year emission cap for Greenhouse Gas emissions (CO₂e).

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

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

18-00021A: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) on December 4, 2012, to install a new recuperative thermal oxidizer (RTO) to control the air contaminant emissions from eight

(8) existing reactor systems (R-100 through R-800) incorporated in Source ID P102 at their facility in Bald Eagle Township, **Clinton County**. The respective facility is a minor facility for which a State Only (Synthetic Minor) operating permit 18-00021 has been issued.

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

23-0009G: The Boeing Co. (MS P29-14, P. O. Box 16858, Philadelphia, PA 19142) on December 10, 2012, to operate (3) three boilers in Ridley Township, **Delaware County**.

23-0003P: Monroe Energy, LLC (4101 Post Road, Trainer, PA 19061) on December 7, 2012, to operate a new Peabody heater in Trainer Borough, **Delaware County**.

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

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

65-00101C: MAX Environmental Technologies, Inc. (1815 Washington Road, Pittsburgh, PA 15241) on December 13, 2012, to extend the period of temporary operation of the electric arc furnace dust treatment system and dust collector authorized under plan approval PA-65-00101C until June 15, 2013, at the Yukon Facility located in South Huntingdon Township, **Westmoreland County**. The plan approval has been extended

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

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

20-304A: Ernst Biomass LLC (9006 Mercer Pike, Meadville, PA 16335), extension issued December 31, 2012, to construct a wood and switchgrass pellet manufacturing plant at their facility in Union Township, **Crawford 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

15-00008: Buckeye Terminals, LLC—Malvern Terminal (8 South Malin Road, Malvern, PA 19355) on December 7, 2012, for renewal of Title V Operating Permit (TVOP) 15-00008 in East Whiteland Township, **Chester County**. The facility's air emissions sources consist of a loading rack and an associated vapor recovery unit ("VRU"). The permittee has elected to restrict hazardous air pollutants ("HAPs") emissions from the facility to less than 10 tons/yr for any individual HAP, and less than 25 tons/yr for total HAPs, to avoid being subject to

the requirements of 40 C.F.R. Part 63, Subpart R. The loading rack is subject to a gasoline throughput restriction of 425,000,000 gallons in any consecutive twelve (12)-month period.

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

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

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

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

20-00040: Advanced Cast Products Inc. (18771 Mill Street, Meadville, PA 16335-3644) on December 11, 2012, issued an administrative amendment to the Title V Operating Permit to incorporate the conditions from plan approval 20-040H into the permit for their facility in Vernon Township, **Crawford County**.

42-00174: Casella Waste Management of PA Inc. (19 Ness Lane, Kane, PA 16735) on December 11, 2012, to renew the Title V Operating Permit for their facility in the Sergeant Township, **McKean County**. The facility is a landfill. The facility's major emission sources are, 1) Landfill, 2) Fugitive Emissions and, 3) Degreaser Unit. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G because the design capacity of the facility is greater than 2.5 million mega grams or 2.5 million cubic meters. The facility is not subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64 because the pre-controlled emission do not exceed Title V, threshold. The potential emission statement: VOC: 36.9 Tons per year (TPY), Combined HAP: 7.718 TPY, CO: 39.4 TPY, NO_x: 15.8 TPY, PM-10: 3.4 TPY and, SO_x: 3.0 TPY.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

22-03089: Humane Society of Harrisburg Area, Inc. (7790 Grayson Road, Harrisburg, PA 17111-5415) on December 7, 2012, for the animal crematory at the animal shelter in Swatara Township, **Dauphin County**. The State-only permit was renewed.

44-05014: Glenn O Hawbaker, Inc. (711 East College Avenue, Pleasant Gap, PA 16823-6854) on December 6, 2012, for their limestone quarrying and asphalt production facility in Armagh Township, **Mifflin County**. The State-only permit was renewed.

67-05119: York Materials Group, LLC (950 Smile Way, York, PA 17404) on December 12, 2012, for the batch asphalt plant on Baker Road in West Manchester Township, **York County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

15-00105: Buckeye Pipe Line Transportation LLC—Malvern Station (8 South Malin Road, Frazer, PA 19355) on December 7, 2012, for an Administrative Amendment to Title V Operating Permit (TVOP) in East Whiteland Township, **Chester County**. The following changes have been reflected in the amended TVOP:

- The language in Conditions # 011(a), 025(a), 034, and 036-037, Section C, of the previously-renewed TVOP (same condition numbers in the amended TVOP), has been revised to also apply to sources listed in Section G, of the amended TVOP.

- Additional authority citations to 25 Pa. Code § 127.35(b) and Chapter 122 have been added to conditions in the amended TVOP that are based on the provisions of 40 C.F.R. Part 63, Subpart BBBB, and Part 60, Subpart Kb, respectively.

- The condition references in Condition # 021(b)(1) and (4), Section C, of the previously-renewed TVOP (same condition number in the amended TVOP), have been corrected.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

08-00032: Talisman Energy USA, Inc. (50 Pennwood Place, Warrendale, PA 15086) on December 11, 2012, in accordance with the minor operating permit modification requirements of 25 Pa. Code Section 127.462, to revise a permit to include the installation and operation of two oxidation catalysts as replacements for two existing oxidation catalysts at the Thomas Compressor Station in Troy Township, **Bradford County**.

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

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

37-00234: Praxair Surface Technologies (595 Honeybee Lane, New Castle PA 16105) on December 11, 2012, issued an administrative amendment to the State Operating Permit to incorporate the change of Responsible Official and Permit Contact into the permit for the facility in Wilmington Township, **Lawrence County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

03991301 and NPDES No. PA0235407. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew and revise the permit and related NPDES permit for the Logansport Mine in Bethel, Burrell, Gilpin, and Parks Township, **Armstrong County**. The permit revision adds 18.6 acres to install the Taylor Run Portal and NPDES Outfall 005 to Taylor Run, classified use WWF. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. No other additional discharges. The revision application was considered administratively complete on December 23, 2010 and the renewal application was considered administratively complete on October 13, 2011. The revision application was received on August 18, 2010 and the renewal application was received on July 27, 2011. Permit issued: December 10, 2012.

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

11020101. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Reade Township, **Cambria County**, affecting 141.0 acres. Receiving stream(s): Fallentimber Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2012. Permit issued: December 6, 2012.

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

GP12-63090101. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Approval for portable coal crusher authorized under General Permit BAQ-GP12A/GP12 and is required to meet all applicable limitations, terms and conditions of authorization GP12-63090101 to an existing bituminous surface mine, located

in Nottingham Township, **Washington County**. Application received: November 1, 2012. Permit issued: December 11, 2012.

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

61070101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Clinton Township, **Venango County** affecting 16.5 acres. Receiving streams: One unnamed tributary to Gilmore Run and Gilmore Run. This renewal is issued for reclamation only. Application received: October 22, 2012. Permit Issued: December 13, 2012.

10110107 and NPDES Permit No. PA0259225. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Fairview Township, **Butler County** affecting 28.0 acres. This pending application was transferred from K & A Mining. Receiving streams: Unnamed tributary to South Branch Bear Creek. Application received: December 30, 2011. Transfer application received: October 12, 2012. Permit Issued: December 11, 2012.

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

54860108C6. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), correction to an existing anthracite surface mine and quarry operation to include clean fill for reclamation purposes in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1469.0 acres, receiving stream: East Branch Norwegian Creek. Application received: March 30, 2012. Correction issued: December 11, 2012.

49110101. Joseph E. Shingara, (270 Grivley Road, Herndon, PA 17830), commencement, operation and restoration of an anthracite surface mine in West Cameron Township, **Northumberland County** affecting 80.0 acres, receiving streams: Mahanoy Creek and Zerbe Run. Application received: May 9, 2011. Permit issued: December 12, 2012.

49110101GP104. Joseph E. Shingara, (270 Grivley Road, Herndon, PA 17830), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49110101 in West Cameron Township, **Northumberland County**, receiving streams: Mahanoy Creek and Zerbe Run. Application received: May 9, 2011. Permit issued: December 12, 2012.

Noncoal Permits Actions

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

65900402 and NPDES Permit No. PA0591777. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). Revision permit issued for additional underground mining to an existing large noncoal surface mine, located in Derry and Fairfield Townships, **Westmoreland County**, affecting 1,467.9 acres. Receiving streams: unnamed tributaries to Conemaugh River, Harbridge Run and Tannery Hollow. Application received: March 7, 2012. Permit issued: December 11, 2012.

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

43122801. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) Commencement, operation and restoration of a small industrial minerals mine in Lake

Township, **Mercer County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Little Shenango River and Little Shenango River. Application received: September 14, 2012. Permit Issued: December 12, 2012.

43122801-GP-104. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43122801 in Lake Township, **Mercer County**. Application received: September 14, 2012. Permit Issued: December 12, 2012.

16970307. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803) Revision to an existing large industrial minerals mine to add 14.4 acres in Beaver, Licking & Richland Townships, **Clarion County** affecting a total of 125.7 acres. Receiving streams: Turkey Run and unnamed tributary to Turkey Run. Application received: July 27, 2012. Permit Issued: December 11, 2012.

43840303-GP-104. H & H Materials, Inc. (190 Canon Road, Stoneboro, PA 16153) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43840303 in Sandy Lake Township, **Mercer County**. Application received: July 18, 2012. Permit Issued: December 12, 2012.

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

08050805GP-104. T. G. Mountain Stone, (358 Loder Street, Sayre, PA 18840), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES permit to the following surface waters in Monroe Township, Bradford County. Receiving streams: Kent Run, Unnamed Tributary to South Branch Towanda Creek classified as Cold Water Fishes. Application received: April 16, 2012. Permit issued: December 6, 2012.

14110301 and NPDES PA 0257800. HRI, Inc. (1750 W. College Avenue, Suite 1, P. O. Box 155, State College, PA 16801-2719). Commencement, operation and restoration of a large industrial mineral surface mine located in Snow Shoe Township, **Centre County** affecting 57.3 acres. Receiving streams: Unnamed Tributary to Black Moshannon Creek classified for High Quality Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 15, 2011. Permit issued: December 6, 2012.

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

58122503. Rich Jenkins, Inc., (362 Grinnell Road, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 6.2 acres, receiving stream: Snake Creek. Application received: March 9, 2012. Permit issued: December 12, 2012.

58122503GP-104. Rich Jenkins, Inc., (362 Grinnell Road, Kingsley, PA 18826), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58122503 in Franklin Township, **Susquehanna County**, receiving stream: Snake Creek. Application received: March 9, 2012. Permit issued: December 12, 2012.

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

32124002. Amerikohl Mining Company, 1384 State Route 711, Stahlstown, PA 15687, blasting activity permit issued for construction project development in Brushvalley Township, **Indiana County**. Blasting activity permit end date is March 1, 2013. Permit issued: December 10, 2012.

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

26124003. Port Vue Plumbing (3716 Liberty Way, McKeesport, PA 15133). Blasting activity permit for the construction of the Oglevee Lane Wastewater Pump Station, located in Dunbar Township, **Fayette County**. The duration of blasting is expected to last 45 days. Blasting permit issued: December 10, 2012.

03124003. Dynamic Drilling LLC (10373 Taylor Hawks Road, Herron, MI 49744). Blasting activity permit for the Penn Energy 2D, to conduct seismic activity located in Bethel, South Buffalo, etc. Townships, **Armstrong County**. The duration of blasting is expected to last eight months. Blasting permit issued: December 12, 2012.

65124003. Newville Construction Service, Inc. (408 Mohawk Road, Newville, PA 17241). Blasting activity permit for the demolition of the Monessen Lock & Dam, located in Monessen and Charleroi Townships, **Westmoreland** and **Washington Counties**. The duration of blasting is expected to last six months days. Blasting permit issued: December 12, 2012.

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

61124003. Global Geophysical Services, Inc. (13927 South Gessner Road, Missouri City, TX 77489) Blasting activity permit for seismic exploration in Mineral & Victory Townships, **Venango County**. This blasting activity permit will expire on April 8, 2013.

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

08124159. Doug Wathen LLC (11934 Fairway Lakes Dr., Suite 1, Ft. Myers, FL 33913). Blasting for construction of pipeline located in Stevens Township, **Bradford County**. Permit issued: December 5, 2012. Permit expires: December 3, 2013.

08124160. Meshoppen Stone, Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for construction of a pipeline and reclaim highwall located in Stevens Township, **Bradford County**. Permit issued: December 7, 2012. Permit expired: May 30, 2013.

57124109. Doug Wathen LLC (11934 Fairway Lakes Dr., Suite 1, Ft. Myers, FL 33913). Blasting for construc-

tion of gas pad located in Cherry Township, **Sullivan County**. Permit issued: December 5, 2012. Permit expires: December 5, 2013.

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

06124120. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Pet Smart Project Atlantic Trench in Bethel Township, **Berks County** with an expiration date of November 28, 2013. Permit issued: December 11, 2012.

39124106. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Highgate Development in Upper Macgunie Township, **Lehigh County** with an expiration date of December 10, 2013. Permit issued: December 11, 2012.

46124117. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for The Preserve in Montgomery Township, **Montgomery County** with an expiration date of December 1, 2013. Permit issued: December 11, 2012.

46124118. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Montgomery Walk in Montgomery Township **Montgomery County** with an expiration date of December 1, 2013. Permit issued: December 11, 2012.

**FEDERAL WATER POLLUTION
CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro

bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E36-894: Pa. Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, Pennsylvania 17103, in Martic Township, **Lancaster County**, ACOE Baltimore District

To: 1) remove the existing pipe and install and maintain a 7.6-foot x 4.8-foot reinforced concrete pipe culvert having a length of 30.0 feet in Clark Run (HQ-CWF, MF) at its confluence with Tucquan Creek (Holtwood, PA Quadrangle; Latitude: 39°51'51", Longitude: -76°20'23"), 2) relocate and maintain 205 feet of Clark Run (HQ-CWF, MF) upstream of the pipe culvert replacement (Holtwood, PA Quadrangle; Latitude: 39°51'51", Longitude: -76°20'23"), 3) relocate and maintain 325.0 feet of Clark Run (HQ-CWF, MF) upstream of the road crossing at Douts Hill Road (Holtwood, PA Quadrangle; Latitude: 39°52'5", Longitude: -76°20'26"), and 4) temporarily impact 0.01 acre of PEM/SS EV wetland at the stream relocation at Douts Hill Road (Holtwood, PA Quadrangle; Latitude: 39°52'5", Longitude: -76°20'26"), all for the purpose of improving transportation safety. The project is located along SR 3017 (River Road) in the area of Tucquan Glen in Martic Township, Lancaster County.

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

E19-295. Bloomsburg Fair Association, 620 West Third Street, Bloomsburg, PA 17815. Electric Sign, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 40°-59-46; Longitude: 76°-27-57.42).

To construct, operate and maintain two electronic display signs. Each sign will have two, 8-inch square tube steel upright supports fastened to individual reinforced concrete footers that will be either at grade or at a maximum of 1 foot above grade. The bottom of the sign will be above the 100 year water surface elevation of Fishing Creek, which is designated as a Warm Water Fishery. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-301-A2. Coraopolis Terminals Corp., PO Box 2621, Harrisburg, PA 17105, Moon Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to perform perpetual maintenance dredging for a distance of approximately 730.0 feet, 5 to 100 feet wide in the channel and along the left bank of the Ohio River (WWF-N) to an elevation of

680 feet, for the purpose of expanding and improving operations at the existing Coraopolis Terminal Barge Facility in order to maintain the original permitted configuration. The project is located approximately 4,700.0 feet upstream from the Sewickley Bridge at Mile Post 10.8 and 11.0 (Ambridge, PA Quadrangle; N: 4.8 inches; W: 6.8 inches; Latitude: 40°-31'-35"; Longitude: 80°-10'-26") in Moon Township, Allegheny County and will impact approximately 730.0 linear feet of stream channel.

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

E1829-002: Anadarko Marcellus Midstream, LLC, 33 West Third Street, Suite 200, Williamsport, PA 17701. Beech Creek and Noyes Townships, **Clinton County**, ACOE Baltimore District.

To construct, operate and maintain the COP 342 Pads A & D to COP 343 Pad C Valve Natural Gas Pipeline, which consists of two 6-inch flex steel gas lines and associated temporary construction accesses, with impacts as follows:

1. 12,221 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Snow Shoe NE, PA Quadrangle, Latitude: N41°11'34.67", Longitude: W77°45'25.60");

2. 24.0 linear feet of temporary impacts to East Branch Big Run (EV, MF) via boring and temporary timber matting (Howard NW, PA Quadrangle, Latitude: N41°11'44.01", Longitude: W77°44'40.03");

3. 21 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Howard NW, PA Quadrangle, Latitude: N41°11'52.10", Longitude: W77°44'22.08");

4. 392 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Howard NW, PA Quadrangle, Latitude: N41°12'23.72", Longitude: W77°44'26.24");

5. 432 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Howard NW, PA Quadrangle, Latitude: N41°12'50.66", Longitude: W77°44'42.54");

6. 760 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Snow Shoe NE, PA Quadrangle, Latitude: N41°13'56.33", Longitude: W77°45'36.86"); and

7. 53.0 linear feet of temporary impacts to East Branch Big Run (EV, MF) via open cut trenching and temporary timber matting (Snow Shoe NE, PA Quadrangle, Latitude: N41°13'14.86", Longitude: W77°45'28.89").

The project will result in 77.0 linear feet of temporary stream impacts, 12,221 square feet (0.28 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands, and 1,605 square feet (0.04 acre) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, all for the purpose of installing two 6-inch, flex steel gas lines and associated temporary construction accesses for the development of the Marcellus Shale.

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 # ESX11-115-0076 (01)
Applicant Name Laser Northeast Gathering
Contact Person Julie Nicholas
Address 1212 S. Abington Road
City, State, Zip Clarks Summit, PA 18411
County Susquehanna County
Township(s) Middletown Township
Receiving Stream(s) and Classification(s) Middle Branch
Wyalusing Creek (CWF)

ESCGP-1 # ESX12-115-0209
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) Gibson Township
Receiving Stream(s) and Classification(s) UNT to Bell
Creek (CWF)

ESCGP-1 # ESX12-115-0207
Applicant Name Susquehanna Gathering Company 1,
LLC
Contact Person John Miller
Address PO Box 839, 1299 Oliver Street
City, State, Zip New Milford, PA 18834
County Susquehanna County
Township(s) Jackson Township
Receiving Stream(s) and Classification(s) Butler Creek,
Drinker Creek, Tunkhannock Creek (All CWF/MF)

ESCGP-1 # ESX12-115-0198
Applicant Name Bluestone Pipeline Company of PA, LLC
Contact Person Bruce Nieman
Address 1708 WCB, 2000 Second Ave
City, State, Zip Detroit, MI 48226
County New Milford Township
Township(s) Susquehanna County
Receiving Stream(s) and Classification(s) UNT to
Wellman's Creek (HQ/Other);
Secondary: Salt Lick Creek

ESCGP-1 # ESX12-115-0127 (01)
Applicant Name Williams Field Services Company, LLC
Contact Person Thomas Page
Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108
County Susquehanna County
Township(s) Brooklyn Township
Receiving Stream(s) and Classification(s) Horton Creek,
UNTs to Horton Creek (CWF/MF)

ESCGP-1 # ESX12-115-0210
Applicant Name WPX Energy Appalachia, LLC
Contact Person Mark Colenbrander
Address 6000 Town Center Blvd, Suite 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Franklin Township
Receiving Stream(s) and Classification(s) Snake Creek,
UNT to Snake Creek (Other)

SPECIAL NOTICES

Public Notification to Solicit Comments on Tri-County Landfill, Inc.'s Municipal Waste Landfill Application ID No. 101678.

Pursuant to 25 Pa. Code § 271.143, the Department of Environmental Protection (Department) is soliciting comments on the proposed Municipal Waste Landfill Application, ID No. 101678 for Tri-County Landfill, Inc. (the Permittee), to re-open, construct, and operate a landfill, which is to be located at the existing closed landfill in Liberty and Pine Twps., Mercer County.

The application seeks to develop and operate new waste disposal areas within the previous 99-acre permit boundary of which approximately 44.5 acres were used as disposal area. The waste in old unlined disposal areas (approximately 1,551,000 cubic yards) would be excavated and relocated onto new lined disposal cells. The landfill application proposes to operate with the same average daily volume and maximum daily volume of 4,000 tons/day of waste received and a total proposed capacity of 10,289,100 cubic yards or approximately 7,565,515 tons. The landfill would operate six days a week (Monday—Saturday) twenty-four hours a day. It is proposed to conduct landfill operations in such a manner that putrescible waste will only be disposed during nighttime hours. This nighttime operation is being proposed by the application to address the potential concern of the landfill creating a bird hazard to aircraft using the nearby Grove City Airport.

A public meeting will be held for the purpose of answering questions on the proposed application. The meeting will be held on January 28, 2013 at 6:00 p.m. at the Grove City High School located at 511 Highland Avenue, Grove City, PA 16127. Staff from Department will answer questions on the application review process and applicable regulations, and Tri-County Landfill, Inc. officials will answer questions on the project.

The public meeting will be followed by a DEP public hearing beginning at 7:30 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed application. To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice

of their intent. This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments. The notice should be sent to Gary Clark, Community Relations Specialist, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 hearing or those who did not get a chance to testify can submit written testimony to the Department through February 8, 2013.

Copies of the application, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling (814) 332-6340. Copies of the permit application have also been provided to the Liberty and Pine Township Supervisors and Mercer County Commissioners.

Please refer to additional notices regarding Tri-County Landfill, Inc. in this *PA Bulletin*.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E43-305, Tri-County Landfill, Inc., 159 TCI Park Drive, Grove City, PA 16127 in Pine and Liberty Townships, **Mercer County**, ACOE Pittsburgh District

To permanently impact approximately 1.58 acres of palustrine scrub-shrub, palustrine emergent and palustrine forested wetlands by excavation and/or fill as part of a landfill remediation project approximately 3,750 feet east of the intersection of SR 0208 and SR 0250 at the Tri-County Landfill, Inc. properties; to mitigate for the wetland impacts by constructing 4.41 acres of replacement wetlands on site; and to construct and maintain a treated leachate conveyance pipe with an outfall to an unnamed tributary to Black Run involving approximately 0.06 acre of temporary wetland impacts. (Mercer, PA Quadrangle N: 3.2 inches; W: 1.3 inches)

A public meeting and public hearing on other permits related to the landfill project will be held on January 28, 2013 at 6 p.m. at the Grove City High School located at 511 Highland Avenue, Grove City, PA 16127. During the public meeting, staff from the Department will be available to answer questions on the application review process and applicable regulations, and Tri-County Landfill, Inc. officials will also be available to answer questions on the project.

Please refer to additional notices regarding Tri-County Landfill, Inc. in this *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 12-2528. Filed for public inspection December 28, 2012, 9:00 a.m.]

Availability of Final Erosion and Sediment Control General Permit-2 for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-2)

The Department of Environmental Protection (Department) by this notice is publishing as final the Erosion and Sediment Control General Permit-2 (ESCGP-2) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. This General Permit is issued under the authority of 25 Pa. Code § 102.5(m) (relating to permit requirements) as well as The Clean Streams Law (35 P.S. §§ 691.1—691.1001), 58 Pa.C.S. §§ 3201—3274 (relating to development) (2012 Oil and Gas Act) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20). This general permit will be effective December 29, 2012, and will expire on December 29, 2017. Notice will be published in the *Pennsylvania Bulletin* of every approval of coverage only.

Oil and gas activities conducted in compliance with 25 Pa. Code Chapter 102 (relating to erosion and sediment control), including activities conducted under ESCGP-2, comply with water quality standards.

This General Permit, as finalized, has been modified in the following significant ways:

- Updated fees.
- Added conditions to address new requirements in the 2012 Oil and Gas Act regarding site restoration, permit coordination and Department inspections.
- Updated stabilization requirements to mirror the revised regulations in 25 Pa. Code Chapter 102 effective November 19, 2010.
- Added condition for projects that drain to sediment-impaired waters.
- Updated long-term post construction stormwater management conditions to mirror the revised regulations in 25 Pa. Code Chapter 102.
- Added a condition regarding when the Department must be notified for noncompliance monitoring.
- Added conditions regarding when site restoration plans can be used in lieu of post construction stormwater management plans.
- Added condition to address use of voluntary riparian forest buffers to achieve the antidegradation presumption and for trading, offsetting purposes.
- Added conditions related to public notice and stormwater offsetting.
- Deeding restrictions/covenants must be recorded before the sale of property to owners.
- Added conditions requiring preconstruction conferences unless the applicant is informed by the Department or delegated conservation district that it is not necessary.

The Department solicited public comment on the proposed revisions to ESCGP-2 from January 21, 2012, through March 21, 2012. Approximately 200 comments were received from 70 commentators.

The final ESCGP-2 permit is available by contacting the Department of Environmental Protection, Office of Oil and Gas Management, Rachel Carson State Office Building, P. O. Box 8460, 15th Floor, Harrisburg, PA 17105-

8460, (717) 772-2199. The final ESCGP-2 permit is also available on the Department's web site. To access the General Permit and related documents, visit www.elibrary.dep.state.pa.us and select "Permit and Authorization Packages," "Oil and Gas," "Environmental Controls" and "Erosion and Sediment Control General Permit (ESCGP-2)."

The Department will continue to accept applications for ESCGP-1 until January 28, 2013. Due to the expiration of ESCGP-1, the Department must act on all NOIs submitted for coverage under ESCGP-1 by April 12, 2013. Additionally, any project that was authorized for coverage under ESCGP-1 prior to this date will have coverage administratively extended under the terms and conditions of ESCGP-1 for the remainder of the time period of the original coverage.

Questions about the final ESCGP-2 should be directed to Joseph Adams, Chief, Division of Well Development and Surface Activities, (717) 772-2199 or josepadams@pa.gov.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2529. Filed for public inspection December 28, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance Document

DEP ID: 550-2100-008. **Title:** Policy for Erosion and Sediment Control and Stormwater Management for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. **Description:** The Department's Policy for NPDES Permits for Stormwater Discharges Associated with Construction Activities at Oil and Gas Wells (Document No. 550-2100-008) had been most recently amended on July 26, 2003. Many significant changes, including

changes to both Federal and Commonwealth laws and regulations and changes to the type and scope of oil and gas activity, including widespread development of shale formations in this Commonwealth, have occurred since this document was last revised. This policy has been updated to better address the current type and scope of oil and gas activity in this Commonwealth, to be consistent with current laws and regulations and to be consistent with the amended permit. The title of the policy has also been changed to the Policy for Erosion and Sediment Control and Stormwater Management for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities to be consistent with the scope of the revised document.

The Department published a proposed amended permit and policy consistent with the terms of the agreement and the new regulatory requirements at 42 Pa.B. 439 (January 21, 2012) with a 60-day public comment period. The Department received approximately 150 comments from 70 commentators.

Contact: Questions regarding this action should be directed to Joseph Adams, (717) 772-2199 or josepadams@pa.gov.

Effective Date: December 29, 2012.

Rescission of Technical Guidance

DEP ID: 383-2125-109. **Title:** Guidance for Using the Modified Minor Permit Amendment for Repainting the Interior of a Potable Water Storage Tank. **Description:** This document was intended to be used for issuing minor permit amendments for repainting the interior of a potable water storage tank. However, based on a survey of all regions, this guidance is rarely, if ever, used. Most requests for storage tank work include other modifications in addition to repainting, which makes this guidance unnecessary. Additional guidance on design standards and permit requirements for storage tanks may be found in existing guidance, including the Department's Public Water Supply Manual and the Statement of Policy for Chapter 109 Public Water Supply Minor Permit Amendments and Permit Transfers.

Contact: Questions regarding this action should be directed to Parimal Parikh, (717) 772-5679 or pparikh@pa.gov.

Effective Date: December 29, 2012.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2530. Filed for public inspection December 28, 2012, 9:00 a.m.]

Bid Opportunity

OSM 02(0488)101.1, Abandoned Mine Land Reclamation Project, Coal Run, Brigdeville Borough, Allegheny County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; excavation and grading 1,150 cubic yards; segmented retaining wall 4,260 square feet; mine seal construction 750 tons; PVC pipe 400 linear feet; and seeding 1 acre. This bid issues on December 28, 2012, and bids will be opened on January 24, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This

project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2531. Filed for public inspection December 28, 2012, 9:00 a.m.]

Bid Opportunity

OSM 26(4689)103.1, Abandoned Mine Land Reclamation Project, Rocks Works, Bowood No. 1 Underground Mine Fire, Nickolson Township, Fayette County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; excavation and backfilling 236,000 cubic yards; water 5,000,000 gallons; firefighting foam 1,000 gallons; alkaline addition 15,000 tons; and seeding 10 acres. This bid issues on December 28, 2012, and bids will be opened on January 29, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2532. Filed for public inspection December 28, 2012, 9:00 a.m.]

Bid Opportunity

OSM 26(4733)101.1, Abandoned Mine Land Reclamation Project, Gans Northwest II, Springhill Township, Fayette County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; subsurface drain 2,280 linear feet; grading 183,000 cubic yards; rock lining with geotextile 400 square yards; tree planting 14,000 trees; and seeding 21.3 acres. This bid issues on December 28, 2012, and bids will be opened on January 24, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2533. Filed for public inspection December 28, 2012, 9:00 a.m.]

Bid Opportunity

OSM 54(3101)104.1, Abandoned Mine Land Reclamation Project, Delano, Delano Township, Schuylkill County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; underground utility line equipment crossing; clearing and grubbing; grading 100,150 cubic yards; drainage excavation 1,070 cubic yards; rock lining 1,180 square yards; and seeding 10 acres. This bid issues on December 28, 2012, and bids will be opened on January 29, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2534. Filed for public inspection December 28, 2012, 9:00 a.m.]

Emissions and Source Reporting Requirements for Natural Gas Operations

In accordance with section 4(3) of the Air Pollution Control Act (35 P.S. § 4004(3)) and 25 Pa. Code § 135.3 (relating to reporting), the Department of Environmental Protection (Department) is authorized to collect air quality emissions inventories including those from owners and operators of facilities engaged in unconventional natural gas development, production, transmission, processing and related activities.

The notification published here applies to any owner and operator involved in unconventional natural gas development in this Commonwealth. Sources and activities at unconventional natural gas operations that the Department has identified as subject to the emissions reporting requirements include the following: compressor stations; dehydration units; drill rigs; fugitives, such as connectors, flanges, pump lines, pump seals and valves; heaters; pneumatic controllers and pumps; stationary engines; tanks, pressurized vessels and impoundments; venting and blow down systems; well heads; and well completions. The source reports are due for activities at all unconventional natural gas wells and facilities that support the unconventional natural gas wells.

This notification also applies to any owner and operator of natural gas compressor stations regardless of whether the natural gas was processed at a conventional or unconventional well site. Complete source reports should be submitted for these activities as well.

Complete source reports including emissions data for unconventional natural gas operations during the 2012 calendar year should be submitted to the Department no later than March 1, 2013. Subsequent source reports and annual emissions inventories will be due to the Department by March 1 each year for operations during the preceding calendar year. Emission statements required for stationary sources emitting 50 and 100 tons per year of volatile organic compounds and oxides of nitrogen,

respectively, should have already been submitted to the Department as required under 25 Pa. Code § 135.21 (relating to emission statements).

Additional information may be obtained by contacting Michael Rudawski, Department of Environmental Protection, Bureau of Air Quality, Air Information Section, P. O. Box 8468, Harrisburg PA 17105-8468, mrudawski@pa.gov or (717) 783-9241.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2535. Filed for public inspection December 28, 2012, 9:00 a.m.]

Interstate Pollution Transport Reduction; Proposed 2013 Ozone Season Nitrogen Oxide Emission Limits for Non-Electric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment concerning the proposed Nonelectric Generating Unit (non-EGU) 2013 Ozone Season Nitrogen Oxide (NO_x) emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO_x trading programs). The 15-day public comment period will end on January 14, 2013.

In April 2008, the Commonwealth's Clean Air Interstate Rule (CAIR) adopted by the Environmental Quality Board included NO_x Budget Trading Program amendments to allow the owners and operators of non-EGUs in this Commonwealth to transition to the CAIR NO_x Trading Program. (See 38 Pa.B. 1705 (April 12, 2008).)

Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NO_x Budget Trading Program budget of 3,619 tons of NO_x, less a specified adjustment amount, to serve as a Statewide Ozone Season NO_x emissions cap for new and existing non-EGUs. This NO_x emissions cap also applies to CAIR-exempt EGUs that were subject to the NO_x Budget Trading Program. If total emissions from all of the units exceed the Statewide NO_x emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NO_x emission limitations established under 25 Pa. Code § 145.8(d). The owners and operators of units exceeding their individual NO_x limits would need to purchase and then surrender one CAIR NO_x Ozone Season allowance and one CAIR NO_x allowance for each ton of excess emissions. The proposed NO_x emissions limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO_x Budget Trading Program, as required under the United States Environmental Protection Agency's (EPA) CAIR.

The Statewide cap for 2012 was not exceeded. Therefore, non-EGUs do not need to purchase allowances to meet their 2012 Ozone Season NO_x emission limitations established under 25 Pa. Code § 145.8(d). The preliminary NO_x emissions for the 2012 Ozone Season (May through September) reported to the EPA by the owners and operators of the affected non-EGUs are 1,414.97 tons. The Department's permanent retirement of 3,438 allowances under 25 Pa. Code § 145.8(b) covers all the NO_x emissions from the affected non-EGUs in 2012.

The NO_x emissions cap provides 181 tons of NO_x emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NO_x Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NO_x allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NO_x emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 121 tons of the 181 tons of NO_x for account adjustments, leaving 60 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

Retired Units: Naval Surface Warfare Division Unit 98; Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NO_x Budget Trading Program units resulted in a permanent NO_x accounting adjustment of 45 tons).

Exempt Units: Each of the following units has a 25-ton NO_x permit limit: Armagh Compressor Station (Unit 31301); Entriken Compressor Station (Unit 31601); and the Naval Surface Warfare Division (Unit 100). The Naval Surface Warfare Division (Unit 99) has a 1-ton NO_x permit limit. All of these 25-ton exempt status units account for a total adjustment of 76 tons of NO_x emissions.

Units subject to the requirements in 25 Pa. Code § 145.8 are required to meet the monitoring and reporting requirements of the EPA's CAIR, found in 40 CFR Part 96, Subpart HHHH (relating to monitoring and reporting) and maintain general accounts and account representatives under 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for CAIR NO_x ozone season sources; and CAIR NO_x Ozone Season Allowance Tracking System). The Proposed Non-EGU 2013 Ozone Season NO_x Emission Limits table below lists the following: the facility name, ORIS code, the unit ID for each non-EGU unit, the operating year, the heat input for the 2012 Ozone Season, the calculated 2013 rate and the 2013 Ozone Season limit.

Written Comments

Written comments on the proposed non-EGU 2013 Ozone Season NO_x Emission Limits should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, DEP, P. O. Box 8468, Harrisburg, PA 17105-8468 or ranbordner@pa.gov no later than January 14, 2013. Written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "proposed non-EGU 2013 Ozone Season NO_x emission limits" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,
Secretary

Table 1: Preliminary Non-EGU 2013 Ozone Season NO_x Emission Limits

Facility Name	Oris Code	Unit ID	No _x Rate lb/MMBtu	2012 No _x Mass tons	Heat Input MMBtu	County	2013 Rate	2013 OS Limit
Armagh Compressor Station	880071	31301	0	-	25-ton exemption (limit 25 tons)	Indiana	0.29	0
Bernville Station	880049	32001	0	-	-	Berks	0.29	0
Domtar Paper Company, LLC	54638	40	0.376	119.81	640,508.70	Elk	0.29	93
Domtar Paper Company, LLC	54638	41	0.376	123.47	665,571.00	Elk	0.29	97
Entriiken Compressor Station	880072	31601	0	-	25-ton exemption (limit 25 tons)	Huntingdon	0.29	0
FPL Energy MH50	50074	1	0.254	0.33	3,079.63	Delaware	0.29	0
FPL Energy Marcus Hook, LP	55801	AB01	0	-	-	Delaware	0.29	0
FPL Energy Marcus Hook, LP	55801	AB02	0.019	2.97	308,616.23	Delaware	0.29	45
FPL Energy Marcus Hook, LP	55801	AB03	0.021	6.09	586,103.83	Delaware	0.29	85
FPL Energy Marcus Hook, LP	55801	AB04	0.023	4.27	375,968.31	Delaware	0.29	55
Honeywell Resins & Chemicals LLC	880007	52	0.068	29.64	867,582.06	Philadelphia	0.29	126
Kimberly-Clark Tissue Company	50410	34	0	-	-	Delaware	0.29	0
Kimberly-Clark Tissue Company	50410	35	0.044	55.95	2,649,793.85	Delaware	0.29	386
Martins Creek	3148	aux 4				Northampton	0.29	0
Merck & Company - West Point	52149	39	0.08	23.86	600,301.83	Montgomery	0.29	87
Merck & Company - West Point	52149	40	0.023	11.18	982,129.24	Montgomery	0.29	143
Naval Surface Warfare Division	880009	98			Retired			0
Naval Surface Warfare Division	880009	99			25-ton exemption (limit 1 ton)			0
Naval Surface Warfare Division	880009	1000			25-ton exemption (limit 25 tons)			0
P H Glatfelter Company	50397	34	0.492	272.07	1,103,487.10	York	0.29	161
P H Glatfelter Company	50397	35	0.446	163.89	673,133.90	York	0.29	98
P H Glatfelter Company	50397	36	0.105	89.51	1,685,148.50	York	0.29	245
Philadelphia Refinery	52106	150137	0.034	17.15	996,012.43	Philadelphia	0.29	145
Philadelphia Refinery	52106	150138	0	-	-	Philadelphia	0.29	0
Philadelphia Refinery	52106	150139	0.034	16.26	943,848.40	Philadelphia	0.29	137

<i>Facility Name</i>	<i>Oris Code</i>	<i>Unit ID</i>	<i>No_x Rate lb/MMBtu</i>	<i>2012 No_x Mass tons</i>	<i>Heat Input MMBtu</i>	<i>County</i>	<i>2013 Rate</i>	<i>2013 OS Limit</i>
Philadelphia Refinery	52106	150140	0.033	13.55	817,854.38	Philadelphia	0.29	119
Procter & Gamble Paper Products	50463	328001	0.149	145.33	1,961,560.93	Wyoming	0.29	286
Shenango Incorporated	54532	6			Retired			0
Shenango Incorporated	54532	9			Retired			0
Shermans Dale Station	880050	31801	0.7	0.11	318.00	Perry	0.29	0
Trainer Refinery	880025	33	0	-	-	Delaware	0.29	0
Trainer Refinery	880025	34	0.006	0.11	38,461.86	Delaware	0.29	6
Trainer Refinery	880025	35	0.005	0.89	408,334.74	Delaware	0.29	59
US Steel (Clairton Coke)	50729	CLBLR1	0.226	202.21	1,689,209.04	Allegheny	0.29	246
US Steel (Clairton Coke)	50729	CLBLR2	0.196	34.15	311,723.53	Allegheny	0.29	45
US Steel (Edgar Thomson)	50732	ETBLR1	0.022	14.75	1,391,743.43	Allegheny	0.29	203
US Steel (Edgar Thomson)	50732	ETBLR2	0.019	16.43	1,734,044.00	Allegheny	0.29	252
US Steel (Edgar Thomson)	50732	ETBLR3	0.024	19.77	1,673,698.20	Allegheny	0.29	244
Veolia Energy Philadelphia - Edison Sta	880006	1	0.64	4.37	26,168.70	Philadelphia	0.29	4
Veolia Energy Philadelphia - Edison Sta	880006	2	0.778	4.98	11,527.90	Philadelphia	0.29	2
Veolia Energy Philadelphia - Edison Sta	880006	3	0.86	0.07	434.90	Philadelphia	0.29	0
Veolia Energy Philadelphia - Edison Sta	880006	4	0.861	0.03	184.00	Philadelphia	0.29	0
Veolia Energy Philadelphia - Schuylkill	50607	RSB1	1.26	4.23	6,718.83	Philadelphia	0.29	1
Veolia Energy Philadelphia - Schuylkill	50607	RSB2	0	-	-	Philadelphia	0.29	0
United Refining	880099	4	0.08	17.56	467252.3		0.29	68
			Total	1,414.97	23,620,519.74			3,438

[Pa.B. Doc. No. 12-2536. Filed for public inspection December 28, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Pinnacle Health Hospitals at the Community Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Hospitals at the Community Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards con-

tained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.5.3.2 (relating to technology distribution room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2537. Filed for public inspection December 28, 2012, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, January 16, 2013, from 10 a.m. to 12 p.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Katrina Kyle, Bureau of Health Planning, Room 1033, Health and Welfare Building, Harrisburg, PA 17120, (717) 772-5298, katkyle@pa.gov, or V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2538. Filed for public inspection December 28, 2012, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Planning Group Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold public meetings on Wednesday, January 16 and Thursday, January 17, 2013, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 12-2539. Filed for public inspection December 28, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

Bethany Village Retirement Center
5225 Wilson Lane
Mechanicsburg, PA 17055
Manchester Presbyterian Lodge
6351 West Lake Road
Erie, PA 16505
FAC ID 075602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(b) (relating to nurses' station):

Forestview Manor
2301 Edinboro Road
Erie, PA 16509
FAC ID 054102

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. 12-2540. Filed for public inspection December 28, 2012, 9:00 a.m.]

DEPARTMENT OF STATE

Corporation Bureau; Official Forms

The Department of State (Department), Corporation Bureau (Bureau) proposes to amend 19 Pa. Code Appendix B (relating to official forms).

A. *Effective Date*

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

B. *Statutory Authority*

The Department has the authority to promulgate Bureau sample forms and instructions under 15 Pa.C.S. § 133 (relating to powers of Department of State). Section 133(a)(1) of 15 Pa.C.S. specifies that sample filing forms are not be agency regulations and are therefore explicitly excluded from section 612 of The Administrative Code of 1929 (71 P. S. § 232), and review under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506) and the Regulatory Review Act (71 P. S. §§ 745.1—745.12). Section 133(a)(1) of 15 Pa.C.S. does, however, require that the forms and instructions be subject to the opportunity for public comments under section 201 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201), known as the Commonwealth Documents Law (CDL).

C. *Description of Proposed Revisions*

This proposal revises two of the existing forms and instructions promulgated by the Department and currently published in the *Pennsylvania Code*. The need for these revisions is based on the act of October 24, 2012 (P. L. 1228, No. 152) (Act 152), effective on January 22, 2013. Act 152 authorizes a new type of business corporation called a benefit corporation. Amended forms for articles of incorporation to organize as a benefit corporation and amendment of existing articles of incorporation to become a benefit corporation, as well as a new form for an annual benefit report, were published at 42 Pa.B. 7215 (November 24, 2012). Further existing forms which require revision are the Application for Certificate of Authority and the Docketing Statement.

DSCB:15-4124/6124 (Application for Certificate of Authority)

This form relates to the registration of a foreign corporation. If formed in a state that authorizes the formation of benefit corporations, the foreign corporation may register as a foreign benefit corporation in this Commonwealth. The Department has updated the Application for Certificate of Authority form so that it contains the option of benefit corporation in section 8.

DSCB:15-134A (Docketing Statement)

This form relates to the docketing statement authorized by 15 Pa.C.S. § 134 (relating to docketing statement). The Department proposes to update the form so that it provides the option of benefit corporation for both domestic and foreign entities which may be registering with the Department for the first time.

The forms DSCB:15-4124/6124 and DSCB:15-134A and corresponding instructions, which are codified in 19 Pa. Code (relating to corporations and business associations), are proposed to be deleted and replaced with the revised forms of the same names. Both forms are set forth in Annex A. Even though Rule 2.10(a) of the *Pennsylvania Code* and *Bulletin Style Manual* recommends that forms be referenced in regulations rather than adopted in regulations, (15 Pa.C.S. § 133) requires that the forms and instructions be published in the *Pennsylvania Code*.

D. *Fiscal Impact*

Although this proposal would not have measurable fiscal impact upon the Commonwealth, its political subdivisions or the private sector, a formal fiscal analysis was not conducted because these forms are exempt from section 612 of The Administrative Code of 1929.

E. *Paperwork Requirements*

This proposal would not create new paperwork other than that required by Act 152.

F. *Regulatory Review*

Under section 15 Pa.C.S. § 133(a), sample forms are exempt from the requirements of the Regulatory Review Act but shall be subject to the opportunity of public comment requirement under section 201 of the CDL.

G. *Public Comment*

Under 15 Pa.C.S. § 133(a)(1), which requires that publication of these forms be subject to the opportunity for public comment, the Department invites interested persons to submit written comments, suggestions or objections regarding this proposal to Martha H. Brown, Assistant Counsel, Department of State, 301 North Office Building, Harrisburg, PA 17120, within 30 days following publication of this notice in the *Pennsylvania Bulletin*. Reference Corporation Bureau—Official Forms when submitting comments.

CAROL AICHELE,
Secretary

**PENNSYLVANIA DEPARTMENT OF STATE
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS**

**Application for Certificate of Authority
(15 Pa.C.S.)**

Entity Number

- Foreign Business Corporation (§ 4124)
- Foreign Nonprofit Corporation (§ 6124)

Name
Address
City State Zip Code

Document will be returned to the name and address you enter to the left.
←

Fee: \$250

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations), the undersigned, hereby states that:

1. The name of the corporation is:

2. *Complete only when the corporation must adopt a corporate designator for use in Pennsylvania.*
The name which the corporation adopts for use in this Commonwealth is:

3. *If the name set forth in paragraph 1 or 2 is not available for use in this Commonwealth, complete the following:*
The fictitious name which the corporation adopts for use in transacting business in this Commonwealth is:

The corporation shall do business in Pennsylvania only under such fictitious name pursuant to the attached resolution of the board of directors under the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) and the attached form DSCB:54-311 (Application for Registration of Fictitious Name).

4. The name of the jurisdiction under the laws of which the corporation is incorporated is: _____

5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:

Number and street	City	State	Zip
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6. The (a) address of this corporation's proposed registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and street	City	State	Zip	County
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(b) Name of Commercial Registered Office Provider	County
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DSCB:15-4124/6124-2

7 Check one of the following:

Business Corporation: The corporation is a corporation incorporated for a purpose or purposes involving pecuniary profit, incidental or otherwise.

Nonprofit Corporation: The corporation is a corporation incorporated for a purpose or purposes not involving pecuniary profit, incidental or otherwise.

8 Business corporations only. Check any applicable statements:

This corporation is organized on a nonstock basis.

This corporation is a statutory close corporation.

This corporation is a management corporation.

This corporation is a professional corporation.

This corporation is an insurance corporation.

This corporation is a benefit corporation.

IN TESTIMONY WHEREOF, the undersigned corporation has caused this Application for Certificate of Authority to be signed by a duly authorized officer thereof this _____ day of _____, 20____.

Name of Corporation

Signature

Title

DSCB: 15-4124/6124



Department of State
Bureau of Corporations and Charitable Organizations
P.O. Box 8722
Harrisburg, PA 17105-8722
(717) 787-1057
Web site: www.dos.state.pa.us/corp.htm

Instructions for Completion of Form:

- A. Typewritten is preferred. If not, the form shall be completed in black or blue-black ink in order to permit reproduction. The filing fee for this form is \$250 made payable to the Commonwealth of Pennsylvania. Checks must contain a commercially pre-printed name and address.
- B. Under 15 Pa.C.S. § 135(c) (relating to addresses) an actual street or rural route box number must be used as an address, and the Department of State is required to refuse to receive or file any document that sets forth only a post office box address.
- C. The following, in addition to the filing fee, shall accompany this form:
- (1) One copy of a completed form DSCB:15-134A (Docketing Statement).
 - (2) Any necessary copies of form DSCB:17.2.3 (Consent to Appropriation or Use of Similar Name). If Letter of Consent cannot be obtained, the applicant may file in the Department a resolution of its board of directors adopting a fictitious name for use in transacting business in the Commonwealth of Pennsylvania which fictitious name is distinguishable upon the record to the name of any conflicting profit or nonprofit corporation or other association and that is otherwise available for use by a domestic business or nonprofit corporation. See 15 Pa.C.S. §§ 4123(b)(1)(i) and 6123(b)(1)(i). An additional filing fee of \$52 shall accompany form DSCB:54-311 (Application for Registration of Fictitious Name).
 - (3) Any necessary governmental approvals. If required governmental approvals for the use of the name cannot be obtained, the applicant may file in the Department a resolution of its board of directors adopting a fictitious name that is otherwise available for use by a domestic business or nonprofit corporation. See 15 Pa.C.S. §§ 4123(b)(2) and 6123(b)(2).
- D. Where the name of the corporation does not comply with 19 Pa. Code § 23.3 (relating to business corporation names) or with 19 Pa. Code § 41.3 (relating to nonprofit corporation names) the corporation must adopt a corporate designator (corporation, incorporated, limited, etc. or abbreviation) for use in Pennsylvania and set forth the resulting name in Paragraph 2. Otherwise Paragraph 2 should remain blank. See also 19 Pa. Code § 17.41 (relating to foreign association names).
- E. The corporation is required by 15 Pa.C.S. § 4124(b) or by 15 Pa.C.S. § 6124(b) (relating to advertisement) to advertise its intention to apply or its application for a Certificate of Authority. Proofs of publication of such advertising should not be submitted to, and will not be received by or filed in, the Department, but should be filed with the minutes of the corporation.
- F. This form and all accompanying documents shall be mailed to the address stated above. Under 15 Pa.C.S. § 4125 or under 15 Pa.C.S. § 6125 upon the filing of this form the applicant corporation shall be deemed to hold a Certificate of Authority, and no actual certificate will be issued to the applicant by the Department.
- G. If a foreign business corporation is of a specialized type recognized by Pennsylvania law, indicate so in box 8. Foreign business corporations are presumed to be organized on a stock share basis and for general purposes if no statements are checked.

Docketing Statement DSCB:15-134A (Rev 2012)
Departments of State and Revenue

One (1) required

BUREAU USE ONLY:

Dept. of State Entity # _____

Dept. of Rev. Box # _____

Filing Period _____ Date 3 4 5 _____

SIC/NAICS _____ Report Code _____

Check proper box:

Pennsylvania Entities

- business stock
- business non-stock
- professional
- nonprofit stock
- nonprofit non-stock
- statutory close
- management
- cooperative
- insurance
- benefit
- limited liability company
- restricted professional
- limited liability company
- business trust

Foreign Entities

State/Country _____ Date _____

- business
- benefit
- nonprofit
- limited liability company
- restricted professional
- limited liability company
- business trust

Other

- domestication
- division
- consolidation

1. Entity Name:

2. Individual name and mailing address responsible for initial tax reports:

Name	Number and street	City	State	Zip
_____	_____	_____	_____	_____

3. Description of business activity:

4. Specified effective date, if any:
_____ month/day/year _____ hour, if any

5. EIN (Employer Identification Number), if any:

6. Fiscal Year End:

7. Fictitious Name (only if foreign corporation is transacting business in PA under a fictitious name):

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Lower Woods Pond, Wayne County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Lower Woods Pond, Wayne County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective immediately. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until March 31, 2013.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-2542. Filed for public inspection December 28, 2012, 9:00 a.m.]

HOUSING FINANCE AGENCY

Marcellus Shale Impact Fee; Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund; Principles and Elements of Plan

Background

The Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (PHARE Fund) was established by the act of November 23, 2010 (P.L. 1035, No. 105) (PHARE Act) to provide the mechanism by which certain allocated State or Federal funds, as well as funds from other outside sources, would be used to assist with the creation, rehabilitation and support of affordable housing throughout this Commonwealth.

The PHARE Act did not allocate any funding but did outline specific requirements that include preferences, considerations, match funding options and obligations to utilize a percentage of the funds to assist households below 50% of the median area income. The PHARE Act provides a fairly broad canvas regarding the types of programs and the specific uses of any funding to allow flexibility in working with other State and Federal acts and programs.

Marcellus Shale Impact Fee

The Marcellus Shale impact fee legislation in 53 Pa.C.S. §§ 2301—2318 (relating to unconventional gas well fee) (Impact Fee Act) specifically allocates certain amounts from the impact fee into the PHARE Fund to address the following needs, including:

- Support for projects that increase the availability of affordable housing for low and moderate income persons

and families, persons with disabilities and elderly persons in counties where unconventional gas wells have been drilled (regardless of production levels).

- Provide rental assistance, in counties where unconventional gas wells have been drilled, for persons or families whose household income does not exceed the area median income.

- Specifies that no less than 50% of the funds are to be used in fifth, sixth, seventh and eighth class counties.

Direct Allocation—PHARE Fund will receive a direct yearly allocation from the portion of funds set aside for local distribution. The direct allocation is as follows: \$5 million each fiscal year beginning in 2012 and thereafter.

Windfall/Spillover Funds—Additional funds may become available because the Impact Fee Act limits amounts allocated to qualifying municipalities (as defined in the Impact Fee Act) and provides that any money remaining, after all allocations have been made to qualified municipalities, would also be deposited into the PHARE Fund.

Purpose

The PHARE Act provides the mechanism to address the housing needs in impacted counties/communities of the Marcellus Shale region.

Principles

In accordance with the PHARE Act and the Impact Fee Act, the moneys will be used to address significant housing needs in impacted counties and communities with the following additional criteria:

- 50% of the funds must be spent in 5th through 8th class counties.
- 30% of the funds must benefit persons/families below 50% of the median area income.

#1) *Maximize resource leveraging*—To the greatest extent possible, the resources allocated will be used as leverage for other public and private resources. Additionally, local nonfinancial assets should be identified and leveraged when possible—including transportation, schools, recreation, employment, health, community and economic development support and other amenities. *Preference*: Applications that also include Optional Affordable Housing funds (under 53 Pa.C.S. Chapter 60 (relating to optional affordable housing funding)) and/or local share portions of the impact fee.

#2) *Address greatest need*—The moneys will be allocated in communities where the greatest housing needs are identified based on housing needs studies and assessments, interviews, real estate price factors, housing stock analysis, market studies and consideration of the extent of gas wells drilled and related activity. The limited resources available should be used to meet the most significant and pressing housing needs but may also be used to address longer term housing needs. *Preference*: Projects/programs that: 1) assist with the rehabilitation of blighted, abandoned or otherwise at risk housing and the reuse of vacant land where housing was once located; or 2) provide funding for owner-occupied rehabilitation, first time homebuyers and rental assistance.

#3) *Foster partnerships*—The funds should be used to maximize sustainable partnerships that will be committed to addressing the housing needs in these communities over a significant period of time. While the funds are to be used to directly support housing to meet the needs in the impacted communities, the projects should also help establish capacity to address those needs over the longer

term. *Preference*: Projects/programs that incorporate social service entities that offer additional services to the residents within the community where the project/program is taking place.

#4) *Effective and efficient*—Ensure that the resources are used effectively and efficiently to meet the housing needs of the impacted communities. Given the expectation that demand for many types of housing will greatly exceed the funds available, it will be critical to maximize the effectiveness and efficiency for housing investments by the PHARE Fund. *Preference*: Projects/programs that assist the residents with the greatest need in that particular region.

#5) *Equitable and transparent*—Create a plan and allocation process that will equitably meet the housing needs in impacted communities and establish a process that provides transparency to all stakeholders. Funding decisions and reporting will be done in accordance with the legislative requirements.

Elements of the Plan

Analysis of Need—One of the most critical components of the plan is to continually assess housing need in these communities. From both a quantitative and qualitative perspective the requirement to have accurate, reliable data from which funding decisions can be made is imperative.

It is important to recognize that this data will need to be municipality-specific to capture the unique and likely different housing needs in the various communities. In addition, the housing/real estate markets are diverse across the impacted communities and the analysis of need will require an understanding (qualitative and quantitative) of individual markets to make appropriate resource allocation decisions.

Building upon analysis already undertaken by the Housing Finance Agency (Agency) and the Commonwealth, additional analysis may be performed to assess specific housing issues in the impacted communities and to identify housing needs (persons with special needs, elderly, larger households, physical disabilities, homeless, and the like) to appropriately target PHARE Fund resources to those in greatest need of housing, especially due to the impact of the Marcellus Shale development. In addition to types of housing analysis, the Agency will consider different income levels, nature of housing stock and the housing needs of those across a broad spectrum (homeless, near homeless, very low income, low income, temporary and seasonal workers and permanent work force, and the like)

Understanding of real estate market dynamics—The plan for the utilization of these resources has been developed to address and continuously reevaluate the specific housing real estate markets in each community. The “micro” markets could be significantly different in the impacted communities and the plan is sufficiently flexible to address those differences.

The housing and real estate development “capacity” will also have significant impact on the ability of these funds to be used effectively and efficiently to meet the needs of the communities. Based on the preliminary finding from the Lycoming College research (http://www.phfa.org/forms/housing_study/2011/marcellus_report.pdf), the Agency has some insight into the existing housing development capacity in some of the impacted communities. This will serve as a foundation for investment in increasing the capacity. There will be need for ongoing analysis of capacity (private, nonprofit, public) as part of the plan. In

some of these communities there has been no significant housing market in decades while in others there is a robust market that may be addressing some part of the housing needs. The plan will help determine where additional housing development capacity may be necessary, or where other strategies may be implemented for meeting the housing needs in those communities.

Allocation and use—The funding vehicle’s allocation process, created by the plan, must also be supportive of and responsive to the needs of the housing and real estate development market and should foster coordinated local trust fund plans and resources. Funds may be used to support predevelopment, site acquisition and infrastructure development, planning and preconstruction activity in addition to direct support of development and operation of projects and housing programs including employee assisted housing programs. Funds may be provided in various forms designed to best support the particular activity including grants; market rate, amortizing, balloon, bridge or soft loans; capital contributions; capital financing subsidy support; operating and supportive service reserve funding; and rental or homeowner assistance. Funds may be specifically allocated to address timing issues presented in the development of affordable housing projects, when other financing is available, construction season, local zoning or other approvals. In addition, funding may be directed for administration by the Agency for certain projects approved for low income housing tax credits or other Agency resources. Preliminary allocations may be made for projects/programs awaiting approval of additional resources. Projects/programs that do not begin within 1 year may have the preliminary allocation withdrawn.

High quality design and construction—A vital element of the plan will be the development of housing that is both of good quality design and construction and will be sustainable over a long period of time.

The opportunity to meet the growing housing needs in these communities will necessitate that this housing be available as an asset for the community for many generations. To meet that objective it will require that projects funded with these resources meet the highest design and construction quality standards available and that all projects ensure sustainability to the long term (both financial and physical). Funds may be specifically allocated to support green and renewable energy sources and as leverage to consumer programs available through utility companies or other business partners.

Targeting of resources—It is likely that the funds in this program will not be sufficient to meet all the housing needs and mitigate every housing impact created by the shale gas development. Investment decisions will target the limited funds to projects that meet the principles previously outlined and most comprehensively address the elements of the plan.

When possible these funds will be targeted and stay focused on mitigating the very specific housing impacts created by the shale development in the impacted and designated communities. This element will likely result in the determination that while there may be worthy housing projects that could be funded with these resources, the focus of development will be on most comprehensively addressing the direct and tangible housing impacts. Priority may be given to target resources in tandem with approved county housing trust fund plans or plans for the utilization of local share impact fee funds, or both.

Stakeholder input—The plan for allocation of resources will provide for broad stakeholder input concerning the principles and elements of the plan.

There are many diverse interests that are concerned about the anticipated housing impact and therefore how these resources will be allocated to address the need. To the greatest extent possible opportunities should be created for relevant and legitimate stakeholders to comment and advise the plan. This element will need to be managed for practicality and efficiency to maximize input. *Preference:* Applicants who provide a process where members of the community and other stakeholders may provide input on the application prior to submission.

Application/Allocation Process

Based on both the legislative requirements of the PHARE Act and the Impact Fee Act, the Agency has developed an application/request for proposal (RFP) for eligible applicants interested in applying for the funds.

Eligible applicants include counties that have adopted impact fees as well as municipalities who have further contributed to PHARE by means of windfall/spill over funds from the impact fee. While only eligible applicants may apply, nonprofit and for profit organizations may be part of the application process.

The elements of the application and allocation process include:

- Adoption of “plan” for managing the anticipated funds by the Agency.
- Announcement of application and possible training/information session concerning the elements of the application.
- Applications accepted and reviewed by the Agency staff based on the application and plan requirements.
- Project recommendations reviewed by the Agency.
- Announcement of preliminary funding approval.
- The Agency will establish an annual application process that will allow the agency to address housing needs in the impacted communities.
- The Agency may amend the plan, application and the allocation process at any time, upon written publication of amendments.
- The Agency as part of the RFP process, will require applicants to target a minimum of 30% of their funding to support households with incomes below 50% of median area income.
- The Agency will require applicants to include information on how the county is using its Act 137 (Local Housing Trust Fund) moneys to address housing needs in the community. This will be included as part of the Comprehensive Plan section of the RFP.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 13.

BRIAN A. HUDSON, Sr.,
Executive Director

[Pa.B. Doc. No. 12-2543. Filed for public inspection December 28, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, December 13, 2012, and announced the following:

Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 30, 2012

Department of Revenue #15-456: Personal Income Tax; Amended Returns (amends 61 Pa. Code §§ 117.1, 117.7, 119.13, 119.13a, 119.13b, 119.18 and 121.25)

Action Taken—Regulations Approved:

Pennsylvania Gaming Control Board #125-156: Practice and Procedure; Server Supported Slot Systems; Compulsive and Problem Gambling (amends 58 Pa. Code Chapters 401a, 403a, 405a, 407a, 461a, 471a, 491a, 493a, 494a, 495a, 497a, 499a, 501a, and 511a)

Pennsylvania Liquor Control Board #54-70: Office of Administrative Law Judge; Payment of Fees and Fines (amends 40 Pa. Code §§ 15.24 and 15.61)

Department of Revenue #15-454: Board of Appeals; Small Games of Chance (amends 61 Pa. Code Chapters 7 and 901)

Environmental Quality Board #7-462: Commercial Fuel Oil Sulfur Limits for Combustion Units (amends 25 Pa. Code Chapters 121, 123 and 139)

Environmental Quality Board #7-466: Dam Safety and Waterway Management Fees (amends 25 Pa. Code Chapter 105)

Action Taken—Regulation Disapproved: Order Not Yet Issued

* Department of Labor and Industry #12-96: Unemployment Compensation; Active Search for Work

*Will advise when order is issued.

Approval Order

Public Meeting Held
December 13, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq., abstained; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Gaming Control Board—
Practice and Procedure; Server Supported Slot Systems;
Compulsive and Problem Gambling;
Regulation No. 125-156 (#2914)*

On September 15, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 401a., 403a., 405a., 407a., 461a., 471a., 491a., 493a., 494a., 495a., 497a., 499a., 501a., and 511a. The proposed regulation was published in the October 8, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 24, 2012.

This regulation improves the clarity and effectiveness of the Board's practices and procedures and also updates requirements for server supported slot systems.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
December 13, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq., abstained; Dennis A. Watson, Esq.

*Pennsylvania Liquor Control Board—
Office of Administrative Law Judge; Payment of Fees and
Fines;
Regulation No. 54-70 (#2936)*

On March 9, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code §§ 15.24 and 15.61. The proposed regulation was published in the March 24, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 2, 2012.

This regulation expands the acceptable forms of payment of filing fees and fines by licensees to the Office of Administrative Law Judge within the Board.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
December 13, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Department of Revenue—
Board of Appeals; Small Games of Chance;
Regulation No. 15-454 (#2933)*

On February 28, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapters 7 and 901. The proposed regulation was published in the March 10, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 18, 2012.

This final-form rulemaking deletes the Department's existing Board of Appeals regulations and certain sections of the Department's Small Games of Chance regulations pertaining to appeals and replaces those provisions with a consolidated and uniform set of appeals procedures.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 6 and 10 P. S. § 328.306) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
December 13, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson, abstained; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Commercial Fuel Oil Sulfur Limits for Combustion Units;
Regulation No. 7-462 (#2874)*

On September 13, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121, 123 and 139. The proposed regulation was published in the September 25, 2010 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on November 8, 2012.

Effective July 1, 2016, this regulation lowers the allowable sulfur content of commercial fuel oil for use in combustion units and adds provisions for sampling. It also amends related definitions.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
December 13, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq., abstained

*Environmental Quality Board—
Dam Safety and Waterway Management Fees;
Regulation No. 7-466 (#2927)*

On January 18, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 105. The proposed regulation was published in the January 28, 2012 *Pennsylvania Bulletin* with a 30-day public

comment period. The final-form regulation was submitted to the Commission on November 8, 2012.

The rulemaking amends the Dam Safety and Waterway Management regulations to update existing fees and include additional fees in order to offset a portion of the operating costs of the Water Obstruction and Encroachment Program and the Dam Safety Program.

We have determined this regulation is consistent with the statutory authority of the Board under The Clean Streams Law (35 P. S. §§ 691.5, 691.6 and 691.402), the Flood Plain Management Act (32 P. S. § 679.302) and the Dam Safety and Encroachments Act (32 P. S. §§ 693.5, 693.7, 693.10, 693.11 and 693.17) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-2544. Filed for public inspection December 28, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health, Inc.; HMO Conversion Rate Filing

Aetna Health, Inc. requests approval to increase the rate for the HMO Conversion Plans. The average requested rate increase is 9.48%. The proposed rate increases would affect approximately 1,000 members and would produce additional income of about \$468,000 annually. The requested effective date of the change is May 1, 2013.

Unless formal administrative action is taken prior to March 14, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's 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. 12-2545. Filed for public inspection December 28, 2012, 9:00 a.m.]

Appeal of Ursinus College under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2004-0023(M) and 2004-0216(M); Doc. No. UT12-12-010

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 shall be held on February 13, 2013, at 9:30 a.m. A hearing will occur on February 27, 2013, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before January 29, 2013. Answers to petitions to intervene, if any, shall be filed on or before February 12, 2013.

On or before January 22, 2013, the parties may file with the Administrative Hearings Office a jointly executed stipulation of facts. Should the stipulation constitute the entire factual record in this matter, the stipulation or transmittal letter must include a statement to this effect. Stipulation by a party to a fact or document will not waive or impair the party's right to argue the materiality, relevance or weight to be accorded the fact or document.

On or before January 29, 2013, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2546. Filed for public inspection December 28, 2012, 9:00 a.m.]

Pennsylvania Medical Society and The Hospital & Healthsystem Association of Pennsylvania; Appeal

Appeal of the Pennsylvania Medical Society and The Hospital & Healthsystem Association of Pennsylvania under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. Nos. MM12-12-003 and MM12-12-010; Consolidated Doc. No. MM11-11-012

And Now, this 13th day of December 2012, considering the petitions of appeal from the 2013 MCARE assessment filed by the Pennsylvania Medical Society and The Hospital & Healthsystem Association of Pennsylvania, Medical Care Availability and Reduction of Error Fund shall answer each of the petitions of appeal docketed to MM12-12-003 and MM12-12-010 on or before January 11, 2013.

Petitions to intervene or notices of intervention, if any, must be filed on or before January 11, 2013, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before January 22, 2013.

Other than the filings referenced in this order, these proceedings are stayed until further order. The Hearings Administrator shall cause notice of this order to be published in the *Pennsylvania Bulletin*. This order is effective immediately.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2547. Filed for public inspection December 28, 2012, 9:00 a.m.]

Transamerica Life Insurance Company; Rate Increase Filing for Several Long Term Care Policies

Transamerica Life Insurance Company is requesting a 17% increase on several LTC forms. The increase will affect policies written by Transamerica Life Insurance Company as well as policies originally written by Transamerica Occidental Life Insurance Company and Life Investors Insurance Company of America.

The following forms will be affected.

Transamerica Life Insurance Company Forms: IP-70-PA-494, IP-71-PA-494, FP-70-PA-494, FP-71-PA-494 as Flex series; 6222 (PA) 289 as LTC series; LTC 2 (PA) 1290 as LTC 2 series; LTC 3 (PA) 1091, LTC 3 (PA) 1091 (GR194), LTC 3 (PA) 1091 (GR195), LTC 3 (PA) 1091 (REV195) as LTC 3/4 series; LTC 5 TQ NH (PA) 1096, LTC 5 TQ COM (PA) 1096, LTC 5 TQ NH (PA-FP) 1096, LTC 5 TQ COM (PA-FP) 1096 as LTC 5 TQ series.

Life Investors Insurance Company of America Forms: GCPLUS 1290 (PA) and GCPLUS 2 1290 (PA) as Golden Care series; GCPRO (PA) 193, GCPRO (PA-FR) 193, GCPRO (PA) 995, GCPRO (PA-FR) 995 as Protector series; GCPRO-II (PA) 794, GCPRO-II (PA-FR) 794, GCPRO-II (PA) 995, GCPRO-II (PA-FR) 995 as Protector II series; KLTC 1 (PA) 490 as Future Care Series;

LI-LTTC (PA) 192, LI-LTTC (PA) 195, LI-LTTC (PA-FR) 195 as Future Care 2 NTQ series; LI-LTTC TQ (PA) 898, LI-LTTC TQ (PA-FR) 898 as Future Care Pool TQ series.

Transamerica Occidental Life Insurance Company Forms: 1-812 44-190 as TransCare 1 series; 1-820 44-991, 1-822 44-991 as TransCare 2 series; LTC-104-194-PA, LTC-105-194-PA, LTC-106-194-PA as TransCare Companion series; LTC 124-197-PA, LTC 224-197-PA, LTC 125-197-PA, LTC 225-197-PA, LTC 126-197-PA, LTC 226-197-PA as TransCare TQ Series; LTC 304-198-PA, LTC 305-198-PA as TransGenerations series.

Unless formal administrative action is taken prior to March 13, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2548. Filed for public inspection December 28, 2012, 9:00 a.m.]

OFFICE OF THE BUDGET

Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No. 51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General, and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 15, 2012, that the salaries covered by that law shall be increased by 2.2% effective January 1, 2013. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

COLA Adjustment for Elected and Appointed Officials Receiving Salaries Contained in Act 1995-51

COLA Adjustment is Based on the Percent Change in the CPI-U for PA-DE-NJ-MD, CMSA, for the 12-Month Period Ending October 2012

<i>Position</i>	<i>Salary Prior to 1/1/2013</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2013</i>
<i>Governor</i>	\$183,225	2.2%	\$187,256
<i>Lieutenant Governor</i>	\$153,907	2.2%	\$157,293
<i>State Treasurer</i>	\$152,443	2.2%	\$155,797
<i>Auditor General</i>	\$152,443	2.2%	\$155,797
<i>Attorney General</i>	\$152,443	2.2%	\$155,797
<i>Large Agency Head</i>	\$146,579	2.2%	\$149,804
<i>Secretary of Education</i>			
<i>Secretary of Environmental Protection</i>			
<i>Secretary of Health</i>			
<i>Secretary of Labor and Industry</i>			
<i>Secretary of Public Welfare</i>			
<i>Secretary of Transportation</i>			
<i>Secretary of Corrections</i>			
<i>Medium Agency Head</i>	\$139,250	2.2%	\$142,314
<i>Secretary of Aging</i>			
<i>Secretary of Community & Economic Development</i>			
<i>Secretary of General Services</i>			
<i>Secretary of Revenue</i>			
<i>State Police Commissioner</i>			
<i>Secretary of Conservation & Natural Resources</i>			
<i>Small Agency Head</i>	\$131,922	2.2%	\$134,824
<i>Adjutant General</i>			
<i>Secretary of Agriculture</i>			
<i>Secretary of Banking & Securities</i>			
<i>Secretary of the Commonwealth</i>			
<i>Insurance Commissioner</i>			
<i>Secretary of Drug and Alcohol Programs *****</i>			
<i>Liquor Control Board</i>			
<i>Chairman</i>	\$74,461	2.2%	\$76,099
<i>Member</i>	\$71,528	2.2%	\$73,102
<i>Civil Service Commission****</i>			
<i>Chairman</i>	\$83,787	2.2%	\$85,630
<i>Member</i>	\$80,564	2.2%	\$82,336
<i>State Tax Equalization Board</i>			
<i>Chairman</i>	\$25,652	2.2%	\$26,216
<i>Member</i>	\$23,819	2.2%	\$24,343
<i>Milk Marketing Board</i>			
<i>Chairman</i>	\$23,819	2.2%	\$24,343
<i>Member</i>	\$22,903	2.2%	\$23,407
<i>Securities Commission***</i>			
<i>Chairman</i>	\$40,076	2.2%	\$40,958
<i>Member</i>	\$36,563	2.2%	\$37,367
<i>Athletic Commission</i>			
<i>Chairman</i>	\$19,241	2.2%	\$19,664
<i>Member</i>	\$18,321	2.2%	\$18,724
<i>Board of Pardons</i>			
<i>Member</i>	\$16,856	2.2%	\$17,227
<i>Public Utility Commission</i>			
<i>Chairman</i>	\$141,750	**	\$144,814
<i>Member</i>	\$139,250	2.2%	\$142,314
<i>Environmental Hearing Board*</i>			
<i>Chairman</i>	\$141,750	*	\$144,814
<i>Member</i>	\$139,250	*	\$142,314
<i>Board of Claims*****</i>			

<i>Position</i>	<i>Salary Prior to 1/1/2013</i>	<i>COLA Adjustment</i>	<i>Salary Effective 1/1/2013</i>
<i>Governor</i>	\$183,225	2.2%	\$187,256
Chairman	\$135,328	2.2%	\$138,305
Member	\$128,204	2.2%	\$131,024

* The Environmental Hearing Board is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

** Act 1995-51 requires that the PUC Chairman shall receive \$2,500/yr. more than PUC Members.

*** Per Act 1998-51.

**** Per Act 2002-140 effective November 27, 2002.

***** Per Act 2002-118, effective October 2, 2002.

***** The salary for the Secretary of Drug and Alcohol Programs has not yet been set by statute.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 12-2549. Filed for public inspection December 28, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition for Finding

P-2012-2338928. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Lock Haven 138/69 kV switchyard to be constructed in Castanea Township, Clinton 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 January 14, 2013. 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, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2550. Filed for public inspection December 28, 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 14, 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.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2012-2327017. Schwaben Creek Transportation, LLC (3968 Schwaben Creek Road, Rebuck, Northumberland County, PA 17867)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Northumberland, Lebanon and Lancaster, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2551. Filed for public inspection December 28, 2012, 9:00 a.m.]

Telecommunications

A-2012-2338932. Consolidated Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC. Joint petition of Consolidated Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC for approval of an interconnection agreement and amendment No. 1 under section 252(e) of the Telecommunications Act of 1996.

Consolidated Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC, by its counsel, filed on December 13, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment No. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Consolidated Communications of Pennsylvania, LLC and T-Mobile Northeast, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2552. Filed for public inspection December 28, 2012, 9:00 a.m.]

Telecommunications

A-2012-2338956. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dobson Cellular Systems, Inc./American Cellular Corporation, d/b/a New Cingular Wireless PCS, LLC and its CMRS affiliates, d/b/a AT&T Mobility. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dobson Cellular Systems, Inc./American Cellular Corporation, d/b/a New Cingular Wireless PCS, LLC and its CMRS affiliates, d/b/a AT&T Mobility for approval of an ICC bill and keep amendment to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dobson Cellular Systems, Inc./American Cellular Corporation, d/b/a New Cingular Wireless PCS, LLC and its CMRS affiliates, d/b/a AT&T Mobility, by its counsel, filed on December 13, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an ICC bill and keep amendment to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Dobson Cellular Systems, Inc./American Cellular Corporation, d/b/a New Cingular Wireless PCS, LLC and its CMRS affiliates, d/b/a AT&T Mobility joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2553. Filed for public inspection December 28, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Application for Limousine Rights in the City of Philadelphia to Transport Passengers in Luxury Limousine Service

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has requested new rights under Limousine Service to transport passengers in luxury vehicles between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Gegen, LLC, 1701 Walnut Street, Suite 1100, Philadelphia, PA 19103 formed in Delaware on July 24, 2012, and registered with the Commonwealth on July 27, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by January 14, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday through Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2554. Filed for public inspection December 28, 2012, 9:00 a.m.]

STATE ATHLETIC COMMISSION

Public Meetings for 2013

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2013, under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 25, 2013
April 29, 2013
June 24, 2013
August 26, 2013
October 28, 2013
December 16, 2013

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 12-2555. Filed for public inspection December 28, 2012, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Geraldine Lauritzen, LPN; Doc. No. 0141-51-12

On October 28, 2012, Geraldine Lauritzen, LPN, license no. PN262821, of Villas, NJ, and Chicago, IL, was indefinitely suspended, retroactive to March 26, 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. 12-2556. Filed for public inspection December 28, 2012, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Access to Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

This notice is provided to direct the public to the State Conservation Commission's (Commission's) Facility Odor Management Program (Program) webpage, or alternatively to the Commission's office to obtain information relating to Odor Management Plans (OMP) submitted for Commission action under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

The Commission's Program webpage, accessed through the Commission's general web site at <http://www.pda.state.pa.us/scc> (click on "Programs," then click on "Odor Management Program," then select "Odor Management plans currently under review by the State Conservation Commission"), provides the public with the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various OMPs under review by the Commission. This listing of plans under review can also be accessed by contacting the Commission's Program office in Tunkhannock at (570) 836-2181, Ext. 120. The Commission will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

Commission actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a formal Right-To-Know request to the Department of Agriculture to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the Commission are invited to submit a written statement outlining their comments on the plan to the Commission's Program within 21 days from the plan

notice date provided on the Commission's listing of plans under review. Persons with a question relating to the submission of comments on a plan under review may contact the Commission's Program office by phone to discuss the process for the submission of comments. Comments should include the name, address and telephone number of the writer, a concise statement to inform the Commission of the exact basis of the comments and the relevant facts upon which they are based. Comments may be submitted, in writing, to the State Conservation Commission, Department of Agriculture, Attn: Odor Management Program Coordinator, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110.

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

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-2557. Filed for public inspection December 28, 2012, 9:00 a.m.]

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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) 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 any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action 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.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Parx Casino and Racing 3001 Street Road Bensalem, PA 19020	Bucks County/ Bensalem Township	0	Horse	Amended	Approved
John K. Fisher 18 Embick Lane Loganton, PA 17747	Clinton County/ Greene Township	0	Layer	Amended	Approved

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-2558. Filed for public inspection December 28, 2012, 9:00 a.m.]
