

# PENNSYLVANIA BULLETIN

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

**No. 447, February 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](http://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](http://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](http://www.pabulletin.com).

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

|  |         |  |  |
|--|---------|--|--|
| <b>4 Pa. Code (Administration)</b>                         |         | <b>67 Pa. Code (Transportation)</b>                      |  |
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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

#### Amendment to Rule 1910.16-4(e) of the Rules of Civil Procedure; No. 556 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 31st day of January, 2012, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-4(e) of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on February 28, 2012.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

\* \* \* \* \*

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony pendente lite (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony pendente lite shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony pendente lite, and awarding the net difference either to the non-custodial parent as spousal support/alimony pendente lite or to the custodial parent as child support as the circumstances warrant.

The calculation is a five-step process. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children. Second, [ **recompute** ] **recalculate** the net income of the parties assuming the payment of the spousal support. Third, determine the child support obligation of the non-custodial parent for [ **two** ] **the children who are the subjects of the support action.** Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 from the original support obligation determined in Step 1. Fifth, because the first step creates additional tax liability for the recipient non-custodial parent and additional tax deductions for the payor custodial parent and the third step involves an offset of the

child support owed by the non-custodial parent against the spousal support or alimony pendente lite owed by the custodial parent, only that reduced amount will be taxable. Therefore, upon application of either party, the trier of fact may consider as a deviation factor the ultimate tax effect of the calculation.

\* \* \* \* \*

[Pa.B. Doc. No. 12-281. Filed for public inspection February 17, 2012, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Criminal Rules of the Court of Common Pleas; No. 1 of 2012 Rules Doc.

#### Order of Court

*And Now*, to-wit, this 3rd day of February, 2012, *It Is Hereby Ordered, Adjudged and Decreed* that the following Amended Rule of the Court of Common Pleas of Allegheny County, Pennsylvania, Criminal Division, adopted by the unanimous proxy vote of the Board of Judges on February 3, 2012, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Rule 101.1 Construction of Rules; Consistency with Statewide Rules  
 Rule 103.1 Definitions  
 Rule 531.2 Regulations of Surety Business  
 Rule 536.1 Forfeitures and Bail Pieces

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

#### Rule 101.1. Construction of Rules; **Consistency with Statewide Rules.**

(a) All rules of construction adopted by the Supreme Court of Pennsylvania shall apply to local rules adopted by the Court of Common Pleas of Allegheny County that govern the practice and procedure in criminal matters.

(b) **Any requirement imposed by these rules is in addition to, and not in lieu of, the requirements under the Pennsylvania Rules of Criminal Procedure.**

(c) **No pleading or other legal paper shall be refused for filing by the clerk of courts based upon a failure to comply with a requirement imposed by these rules. No case shall be dismissed nor request for relief granted or denied because of a failure to comply with such a requirement. If a party fails to comply with such a requirement, the court shall notify the party of the failure and provide a reasonable time for the party to comply with the requirement.**

#### Rule 103.1. Definitions.

(a) Definitions contained in Pa.R.Crim.P. 103 shall apply to all local rules heretofore and hereafter adopted which govern practice and procedure in criminal matters.



(b) The following words and phrases, when used in any Allegheny County Rule of Criminal Procedure, shall have the following meanings:

*Bail Enforcement Agent* is an individual who performs services or takes action for the purpose of enforcing the terms and conditions of a defendant's release from custody on bail, including locating, apprehending and surrendering a defendant released from custody on bail who has failed to appear at a specified time and place pursuant to Order of Court. The term does not include police officers, sheriffs, court officers or law enforcement personnel who execute warrants of arrest for bail forfeitures pursuant to their official duties.

*Clerk of Courts* is the Director of the Allegheny County Department of Court Records, Criminal Division.

*Corporate Surety* is any corporation, limited liability corporation or partnership which engages in the business of providing bail, providing or soliciting bail undertakings, or providing or soliciting indemnity or counter-indemnity to others on bail undertakings. The term applies to any and all surety bail bond businesses and their agents and fidelity companies and their agents in addition to surety businesses authorized by Order of Court.

*Professional Bail Bondsman* is any person other than a fidelity or surety company or any of its officers, agents, attorneys, or employees authorized to execute bail bonds or to solicit business on its behalf who: (1) engages in the business of giving bail, giving or soliciting undertakings, or giving or soliciting indemnity or counter-indemnity to securities on undertakings; or (2) within a period of thirty (30) days has become a surety or has indemnified a surety, for the release on bail of a person, with or without a fee or compensation, or promise thereof; in three or more matters not arising out of the same transaction (see 42 Pa.C.S.A. § 5741 et seq.).

*Surety Business* is any corporate surety, fidelity company, surety company authorized by Order of Court, professional bail bondsman licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania, or agents and employees thereof.

#### Rule 531.2. Regulation of Surety Businesses.

(a) *Requirements to Become Qualified.* To become qualified to post bond, the surety business must:

(1) Fully comply with all laws, statutes, local rules and rules of court as may be established from time to time.

(2) Deliver to the Clerk of Courts and the District Attorney satisfactory proof, on the approved form, that the surety business, is licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania;

(3) Deliver satisfactory proof of the agency relationship between the surety business and its agents to the District Attorney and Clerk of Courts. The execution of any bail bond by such agents shall be a valid and binding obligation of the surety business;

(4) Deliver satisfactory proof to the Clerk of Courts and the District Attorney that any agent designated to act on behalf of the surety business, is duly licensed by the Pennsylvania Department of Insurance;

(5) Deliver satisfactory proof to the Clerk of Courts and the District Attorney that the surety business maintains an office in Allegheny County from which its business is conducted and where service of notices may be made. Every surety business, shall keep at its office in Allegheny County the usual and customary records pertaining to transactions authorized by its license and/or the license of any of its agents, including, but not limited to, such records of bail bonds executed or countersigned by the surety business, to enable the court to obtain all necessary information concerning such bail bonds for at least three (3) years after the liability of the surety has been terminated. Such records shall be open at all times to examination, inspection or copying by the Court or its representative. Any and all information shall be furnished in such manner or form as the Court requires;

(6) Certify to the Clerk of Courts and the District Attorney that no agent or employee of the surety business has been convicted of any criminal offense. The certification must be based on a criminal history records check conducted by the Pennsylvania State Police for each employee and agent, and a copy of the search results must be attached to a list of employees and agents and certification submitted with the petition required by subsection (c) of this rule. Conviction of an agent or employee of a surety business will render the surety business ineligible to conduct business in the Fifth Judicial District;

(7) Post with the Clerk of Courts as security the minimum sum of \$250,000 in United States currency or unencumbered securities of the United States Government, which will entitle the surety business, to post bond in the aggregate sum of \$1,000,000, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the surety business must post additional security with the Clerk of Courts in the event the surety business intends to post bond in excess of \$1,000,000. The additional security to be posted with the Clerk of Courts must be in units of \$250,000 which will entitle the surety business to post bond in the additional sum of \$1,000,000 per \$250,000 unit;

(8) Provide to the Clerk of Courts and the District Attorney a financial statement certified by a Certified Public Accountant which verifies that the surety business has sufficient assets to satisfy all bail obligations undertaken by or on behalf of the surety business in the Fifth Judicial District and in other jurisdictions in which the surety business conducts business. A current certified statement must be filed with the petition required in subsection (c) of this rule;

(9) Certify to the Clerk of Courts and the District Attorney that only the surety business which is approved by the President Judge upon petition as provided in this rule, may post bail for defendants,

in the name exactly as it appears on the surety's license, and not in the name of any agent or other business entity;

(10) Certify to the Clerk of Courts and the District Attorney a schedule of the fees to be charged Criminal Division defendants for issuing the bail bond. Such fees may not change unless notice is given to the President Judge and Administrative Judge at least thirty (30) days prior to the effective date of the proposed revised fees (see 42 Pa.C.S.A. § 5748);

(11) Upon approval of the petition required in subsection (c) of this rule, register with the Clerk of Courts and the District Attorney and pay to the Clerk of Courts an initial registration fee of \$1,000.00, or such amount as may be established from time to time by the Clerk of Courts with the approval of the President Judge;

(12) Certify that the surety business will not represent itself, directly or indirectly, as an employee or agent of the Commonwealth of Pennsylvania or Fifth Judicial District or the County of Allegheny. Agents and employees of a surety business must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment of the Commonwealth of Pennsylvania, the Fifth Judicial District or any of its units, including the Pretrial Services Unit or the Warrant Unit of the Fifth Judicial District or the County of Allegheny;

(b) *Requirements to Remain Qualified.* To remain qualified to post bond, the surety business must:

(1) Maintain compliance with the requirements specified in subsection (a) of this rule;

(2) Provide quarterly statements certified by the surety business that it is in compliance with the security posting requirements specified in subsection (a)(7) of this rule to the Clerk of Courts and the District Attorney as required by 42 Pa.C.S.A. § 5747;

(3) Provide to the Clerk of Courts and the District Attorney, on a quarterly basis, or as often as requested by the President Judge or the Administrative Judge, a financial statement certified by a Certified Public Accountant which verifies that the surety business has sufficient assets to satisfy all bail obligations undertaken by the surety business in the Fifth Judicial District and in other jurisdictions in which the surety business conducts business;

(4) Satisfy in full any forfeiture order entered against a defendant or the surety business for a defendant's violation of a bail bond within ninety (90) days of the issuance of the order. In the event the surety business fails to satisfy such forfeiture order, the order will be satisfied from the funds posted with the Clerk of Courts pursuant to subsection (a)(7) of this rule. In that event, the surety business will be prohibited from posting additional bail until such time as all forfeiture orders entered against the surety business are satisfied in full;

(5) Immediately notify, in writing, the President Judge, the Administrative Judge and the District Attorney if an agent or employee of a surety business has been charged with any criminal offense, or if the license of an agent or employee has been

revoked, suspended or not renewed in the Commonwealth of Pennsylvania or any other jurisdiction;

(6) Cease posting bonds if the aggregate maximum amount of unsettled and outstanding bail forfeitures, as determined by the Clerk of Courts and the District Attorney, equals or exceeds \$250,000. The Clerk of Courts, or a designee, shall promptly notify the Common Pleas Court President Judge, and Administrative Judge, Pretrial Services, Pittsburgh Municipal Court, the District Attorney, and the applicable surety business of the occurrence of having reached this maximum limit. Immediately upon notification, no further bonds by the surety business are authorized or acceptable for posting. When full financial settlement has been made of the outstanding bail forfeitures, the Clerk of Courts, or a designee, shall promptly notify the Common Pleas Court President Judge and the Administrative Judge, Pretrial Services, Pittsburgh Municipal Court and the District Attorney, and the applicable surety business that the posting of bonds may resume;

(7) Not represent or identify itself, directly or indirectly, as employees or agents of the Commonwealth of Pennsylvania or Fifth Judicial District or the County of Allegheny. The agents and employees of a surety business must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment by the Commonwealth of Pennsylvania, the Fifth Judicial District or any of its units, including the Pretrial Services Unit or the Warrant Unit of the Fifth Judicial District or the County of Allegheny;

(8) Annually renew their registration with the Fifth Judicial District, provide all certifications required by this rule and pay to the Clerk of Courts an annual renewal registration fee of \$250.00, or such amount as may be established from time to time by the Clerk of Courts with the approval of the President Judge;

(9) Fully comply with all laws, statutes, local rules, rules of court and procedures as may be established from time to time.

(c) *Seeking Approval as a Corporate Surety.* Any surety business which is licensed by the Pennsylvania Department of Insurance may seek approval to post bail in the Fifth Judicial District by filing a petition with the Clerk of Courts and the District Attorney. The petition must provide the information, documents and certifications set forth in subsection (a) of this rule. Upon filing, the petition will be assigned to the Administrative Judge for determination.

(d) *Opportunity to be Heard.* A surety business whose petition seeking approval to post bail in the Fifth Judicial District is denied will be provided an opportunity to be heard and to contest the denial. Any surety business seeking to contest the denial of its petition for approval to post bail in the Fifth Judicial District must file a petition with the Clerk of Courts and serve District Attorney within thirty (30) days of the date of denial of its initial petition, and set forth the relief requested and the factual basis therefor. Similarly, a surety business, which has received approval to post bail in the Fifth

Judicial District as provided in this rule, but which has been prohibited from posting additional bail, or is otherwise ineligible to post bail in the Fifth Judicial District, will be provided an opportunity to be heard. Any surety business, seeking to contest its prohibition from posting additional bail in the Fifth Judicial District, or any other ineligibility subsequent to its initial approval hereunder, must file a petition with the Clerk of Courts and District Attorney within thirty (30) days of the date of the prohibition or determination of ineligibility, and set forth the relief requested and the factual basis therefor.

(e) *Prohibited Conduct.* A surety business and agents and employees thereof may not engage in prohibited conduct, which includes the violation of any applicable laws, statutes, local rules, rules of court, or the commission of any of the following acts:

(1) having a license as a surety business revoked in this or any other state;

(2) being involved in any transaction which shows unfitness to act in a fiduciary capacity or a failure to maintain the standards of fairness and honesty required of a fiduciary;

(3) having any judgment entered which would reduce the surety business' net worth below the minimum required for licensure;

(4) being convicted of any criminal offense;

(5) failing to promptly advise the Administrative Judge, the District Court Administrator and the District Attorney of any change in circumstances which would materially affect any of the statements, information or certifications required by this rule;

(6) using an unregistered agent to post bail or provide any bail undertaking on behalf of the surety business;

(7) using an individual or entity not contracted and appointed by the surety business to post bail or provide bail undertaking on behalf of the surety business;

(8) signing, executing or issuing bonds by a person or entity which is not registered as an agent of the surety business and/or for which there is no satisfactory proof of an agency relationship with the surety business;

(9) executing a bond without the appropriate counter signature by a licensed and/or authorized agent at time of issue;

(10) failing to account for or pay any premiums held in a fiduciary capacity;

(11) misstating or misrepresenting any material fact in the initial petition or any subsequent petitions, required by this rule, or in any of the statements, information or certifications required by this rule;

(12) failing to preserve, and to retain separately, any collateral obtained as security on any bond;

(13) failing to return collateral taken as security on any bond to the depositor of such collateral, or the depositor's designee, within ten (10) business days of having been notified of the exoneration of

the bond and upon payment of all fees owed to the surety business, whichever is later;

(14) offering or providing any consideration or gratuity to any person employed by, or incarcerated in, a jail facility, any person who has the power to arrest or to hold any person in custody, or to any court officers and attorneys to obtain or secure business;

(15) failing to deliver to the defendant, and any person providing collateral on the defendant's behalf, prior to the time the defendant is released from jail, a one-page disclosure form which, at a minimum, must include:

(A) the amount of the bail;

(B) the amount of the surety's fee, including bail bond premium, preparation fees, and credit transaction fees;

(C) the collateral that will be held by the surety;

(D) the defendant's obligations to the surety and the court;

(E) the conditions upon which the bond may be revoked;

(F) any additional charges or interest that may accrue;

(G) any co-signors or indemnitors that will be required; and

(H) the conditions under which the bond may be exonerated and the collateral returned;

(16) failing to provide the Pretrial Services Unit of the Fifth Judicial District the fully executed one-page disclosure form required by subsection (e)(15) of this rule at the time bond is posted;

(17) charging excessive fees or other unauthorized charges;

(18) requiring unreasonable collateral as security;

(19) failing to provide an itemized statement of any and all expenses deducted from collateral, if any;

(20) advising, requiring or suggesting that, as a condition of posting a bail bond by a surety business, a defendant engage the services of a particular law firm or attorney;

(21) preparing or issuing a fraudulent or forged bail bond, power of attorney or other document;

(22) signing, executing, issuing or posting bail bonds by an unlicensed person;

(23) knowingly violating, advising, encouraging, aiding, abetting or assisting the violation of any applicable law, statute, local rule or rule of court;

(24) soliciting or procuring sexual favors as a condition of obtaining, maintaining or exonerating a bail bond, regardless of the identity of the person who performs such favors;

(25) providing legal advice or a legal opinion in any form; and

(26) holding themselves out by their manner of dress as being a public official.

**Rule 536.1. Forfeitures and Bail Pieces.****(a) Forfeitures.**

(1) If a bail bond is ordered to be forfeited pursuant to Pa.R.Crim.P. 536, execution of the order shall be delayed until ninety (90) days from the date of the filing of the forfeiture order.

(2) If a defendant whose bail has been ordered forfeited surrenders within ninety (90) days of the date of the entry of the order, the Administrative Judge or a designee may set aside the forfeiture order and either reinstate bail or set a new bail without the necessity of the filing of a petition as hereinafter provided.

(3) Unless the forfeiture order has been set aside as provided for in subsection (2), in order for a surety to have the forfeiture order set aside or remitted in whole or in part, the party seeking remission, set aside or exoneration shall present a petition to the Administrative Judge or a designee, file the petition with the Clerk of Courts, and serve a copy thereof upon the District Attorney. The petition shall set forth in detail the reasons for seeking the set aside, remission or exoneration. In order to facilitate the assessment and investigation of petitions requesting remittance, the surety is required to delineate within the petition the following:

(A) A recitation of the history of the case including the charges, the date the bond was set, the amount of the bond, and the name and district of the issuing authority;

(B) The date of forfeiture and nature of the proceeding at which forfeiture occurred;

(C) A statement establishing the fact that the defendant was apprehended including the date of apprehension and the agency responsible for the apprehension;

(D) A detailed summary of all efforts by the petitioner to apprehend the defendant including the name, phone number and address of all agents hired or assigned to effectuate the apprehension, and all times, dates, and locations searched;

(E) A declaration that the apprehension or return of the defendant was effected by the efforts of the surety or that those efforts at least had a substantial impact on the defendant's apprehension; and

(F) A clear and specific factual recitation in support of the above declaration.

(b) *Bail Pieces.* After a bail piece is issued pursuant to Pa.R.Crim.P. 536 and the defendant is apprehended by or on behalf of the surety, the defendant must be brought before the Administrative Judge or a designee in accordance with Pa.R.Crim.P. 150. Bail pieces shall not be utilized to exonerate the surety.

*Comment:* Regarding forfeiture and remissions, see *Commonwealth v. Hernandez*, 886 A.2d 231 (Pa. Super. 2005), *Commonwealth v. Mrozek*, 703 A.2d 1052 (Pa. Super. 1997) and *Commonwealth v. Fleming*, 485 A.2d 1130 (Pa. Super. 1984).

[Pa.B. Doc. No. 12-282. Filed for public inspection February 17, 2012, 9:00 a.m.]

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## Title 25—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Local Rule 1302-5; Civil Term; 96-1335 Civil

#### Order

*And Now*, this 2nd day of February, 2012, effective this date or thirty (30) days after publication in the *Pennsylvania Bulletin*, Rule 1302-5 of the Cumberland County Rules is amended to read as follows:

Rule 1302-5. Unless otherwise ordered by the court, following the filing of the award, the Chairman of the Board of Arbitrators shall be paid the sum of \$160.50. Other members of the Board shall be paid the sum of \$128.00. In the event that the appointment of the Board is vacated, the Chairman shall be entitled to an administrative fee as ordered by the Court.

*Note:* Formerly Local Rule 407.

Adopted May 15, 1981, effective May 15, 1981, amended April 17, 1984, effective June 4, 1984.

Amended May 13, 1988, effective June 1, 1988,

Amended January 2, 1991, effective February 1, 1991.

Amended January 3, 2011, effective January 3, 2011.

Amended February 2, 2012, effective February

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

KEVIN A. HESS,  
*President Judge*

[Pa.B. Doc. No. 12-283. Filed for public inspection February 17, 2012, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective January 27, 2012.

The organization chart at 42 Pa.B. 936 (February 18, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

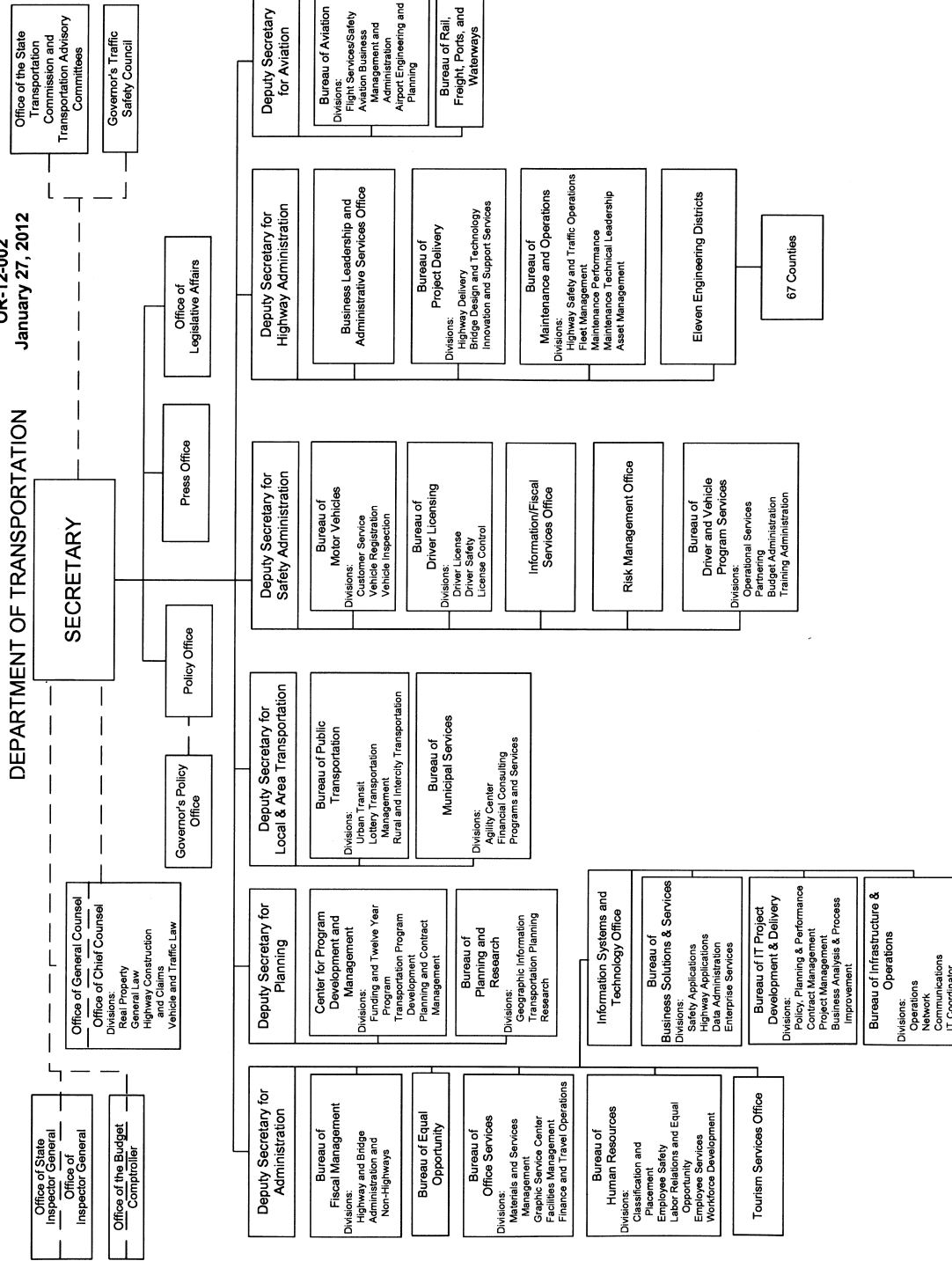
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 12-284. Filed for public inspection February 17, 2012, 9:00 a.m.]

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OR-12-002  
January 27, 2012

DEPARTMENT OF TRANSPORTATION



# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 31, 2012.

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

### BANKING INSTITUTIONS

#### Conversions

| <i>Date</i>  | <i>Name and Location of Applicant</i>  | <i>Action</i>                                       |  |  |  |  |   |  |  |           |
|--|--|---|--|--|--|--|---|--|--|-----------|
| 1-25-2012  | <p><i>From:</i> William Penn Bank, FSB<br/>Levittown<br/>Bucks County</p> <p><i>To:</i> William Penn Bank<br/>Levittown<br/>Bucks County</p> <p>Conversion from a federal stock savings bank to a Pennsylvania state-chartered stock savings bank. William Penn Bank is a wholly-owned subsidiary of William Penn Bancorp, Inc. (#5028536), Levittown, an existing bank holding company.</p> <p>Branch offices operated by William Penn Bank:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">1309 South Woodbourne<br/>Levittown<br/>Bucks County</td> <td style="width: 50%;">400 West Trenton Avenue<br/>Morrisville<br/>Bucks County</td> </tr> <tr> <td>911 Second Street Pike<br/>Richboro<br/>Bucks County</td> <td></td> </tr> </table>   | 1309 South Woodbourne<br>Levittown<br>Bucks County  | 400 West Trenton Avenue<br>Morrisville<br>Bucks County | 911 Second Street Pike<br>Richboro<br>Bucks County |  | Effective  |   |  |  |           |
| 1309 South Woodbourne<br>Levittown<br>Bucks County           | 400 West Trenton Avenue<br>Morrisville<br>Bucks County   |   |  |  |  |  |   |  |  |           |
| 911 Second Street Pike<br>Richboro<br>Bucks County           |  |   |  |  |  |  |   |  |  |           |
| 1-30-2012  | <p><i>From:</i> Third Federal Bank<br/>Newtown<br/>Bucks County</p> <p><i>To:</i> 3rd Fed Bank<br/>Newtown<br/>Bucks County</p> <p>Conversion from a Federal stock savings bank to a Pennsylvania state-chartered stock savings bank. 3rd Fed Bank is a wholly-owned subsidiary of T F Financial Corporation (#5028537), Newtown, an existing bank holding company.</p> <p>Branch offices operated by 3rd Fed Bank:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">834 North Easton Road<br/>Doylestown<br/>Bucks County</td> <td style="width: 50%;">60 North Main Street<br/>Doylestown<br/>Bucks County</td> </tr> <tr> <td>1201 Buck Road<br/>Feasterville<br/>Bucks County</td> <td>600 Town Center<br/>New Britain<br/>Bucks County</td> </tr> <tr> <td>950 Newtown Yarldley Road<br/>Newtown<br/>Bucks County</td> <td>2601 Orthodox Street<br/>Philadelphia<br/>Philadelphia County</td> </tr> <tr> <td>2330 East York Street<br/>Philadelphia<br/>Philadelphia County</td> <td>4625 Frankford Avenue<br/>Philadelphia<br/>Philadelphia County</td> </tr> </table> | 834 North Easton Road<br>Doylestown<br>Bucks County | 60 North Main Street<br>Doylestown<br>Bucks County     | 1201 Buck Road<br>Feasterville<br>Bucks County     | 600 Town Center<br>New Britain<br>Bucks County | 950 Newtown Yarldley Road<br>Newtown<br>Bucks County | 2601 Orthodox Street<br>Philadelphia<br>Philadelphia County | 2330 East York Street<br>Philadelphia<br>Philadelphia County | 4625 Frankford Avenue<br>Philadelphia<br>Philadelphia County | Effective |
| 834 North Easton Road<br>Doylestown<br>Bucks County          | 60 North Main Street<br>Doylestown<br>Bucks County   |   |  |  |  |  |   |  |  |           |
| 1201 Buck Road<br>Feasterville<br>Bucks County               | 600 Town Center<br>New Britain<br>Bucks County   |   |  |  |  |  |   |  |  |           |
| 950 Newtown Yarldley Road<br>Newtown<br>Bucks County         | 2601 Orthodox Street<br>Philadelphia<br>Philadelphia County  |   |  |  |  |  |   |  |  |           |
| 2330 East York Street<br>Philadelphia<br>Philadelphia County | 4625 Frankford Avenue<br>Philadelphia<br>Philadelphia County   |   |  |  |  |  |   |  |  |           |

| <i>Date</i> | <i>Name and Location of Applicant</i>                         | <i>Action</i>   |
|-------------|---|---|
|             | 136 West Girard Avenue<br>Philadelphia<br>Philadelphia County | 6633 Roosevelt Boulevard<br>Philadelphia<br>Philadelphia County |
|             | 905 North 2nd Street<br>Philadelphia<br>Philadelphia County   | 12051 Knights Road<br>Philadelphia<br>Philadelphia County       |
|             | 2075 Pennington Road<br>Ewing<br>Mercer County, NJ            | 1850 Highway 33<br>Hamilton Square<br>Mercer County, NJ         |

#### Consolidations, Mergers, and Absorptions

| <i>Date</i>   | <i>Name and Location of Applicant</i>   | <i>Action</i> |
|---|---|---------------|
| 1-30-2012   | S & T Bank<br>Indiana<br>Indiana County | Approved      |
| Application for approval to merge Mainline National Bank, Portage, with and into S & T Bank, Indiana. |   |               |

#### Branch Applications

##### Branch Consolidations

| <i>Date</i> | <i>Name and Location of Applicant</i>                      | <i>Location of Branch</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 11-29-2011  | Citizens Bank of PA<br>Philadelphia<br>Philadelphia County | <i>Into:</i> Lawrence Park Shopping Center<br>Broomall<br>Delaware County<br><br><i>From:</i> 1991 Sproul Road<br>Broomall<br>Delaware County              | Approved      |
| 11-29-2011  | Citizens Bank of PA<br>Philadelphia<br>Philadelphia County | <i>Into:</i> Bethlehem Pike and East Mill Road<br>Flourtown<br>Montgomery County<br><br><i>From:</i> 1461 Bethlehem Pike<br>Flourtown<br>Montgomery County | Approved      |

##### Branch Discontinuances

| <i>Date</i> | <i>Name and Location of Applicant</i>   | <i>Location of Branch</i>                               | <i>Action</i> |
|-------------|---|---|---------------|
| 9-23-2011   | S & T Bank<br>Indiana<br>Indiana County | 420 Pleasantview Drive<br>Ford City<br>Armstrong County | Closed        |
| 1-27-2012   | VIST Bank<br>Wyomissing<br>Berks County | 564 Lancaster Avenue<br>Berwyn<br>Chester County        | Approved      |

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Consolidations, Mergers, and Absorptions

| <i>Date</i>   | <i>Name and Location of Applicant</i>              | <i>Action</i> |
|---|--|---------------|
| 1-24-2012   | Freedom Credit Union<br>Warminster<br>Bucks County | Filed         |
| Application for approval to merge Crestmont Baptist Federal Credit Union, Willow Grove, with and into Freedom Credit Union, Warminster. |  |               |

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-285. Filed for public inspection February 17, 2012, 9:00 a.m.]



### Election by 3rd Fed Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by 3rd Fed Bank, authorized by section 513(b) of the Banking Code of 1965 (code) (7 P. S. § 513(b)), 3rd Fed Bank is hereby granted the conditional powers described in sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the code (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)), to be exercised only with the prior written approval of the Department of Banking.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-286. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Election by William Penn Bank to Exercise Conditional Powers

Effective on the date of this publication in the *Pennsylvania Bulletin*, under an election by William Penn Bank, authorized by section 513(b) of the Banking Code of 1965 (code) (7 P. S. § 513(b)), William Penn Bank is hereby granted the conditional powers described in sections 504(b)(xiii) and 506(a)(iv)(B) and (vi) of the code (7 P. S. §§ 504(b)(xiii) and 506(a)(iv)(B) and (vi)) to be exercised only with the prior written approval of the Department of Banking.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-287. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 2012

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of March, 2012, is 4 3/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.34 to which was added 2.50 percentage points for a total of 4.84 that by law is rounded off to the nearest quarter at 4 3/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-288. Filed for public inspection February 17, 2012, 9:00 a.m.]

## DEPARTMENT OF CORRECTIONS

### Applications for Reimbursement

The Department of Corrections (Department) will accept applications for reimbursement under 42 Pa.C.S. § 9762(e) (relating to sentencing proceeding; place of confinement) until February 29, 2012, at 11:59 p.m. The Department will reimburse counties for every Level 4 or 5 offender as identified in the Basic Sentencing Matrix promulgated by the Commission on Sentencing who was participating in an approved work release program during calendar year 2011.

Reimbursement will be at the Department's average per prisoner cost of confinement during 2011 which was \$93.80. The General Assembly has appropriated \$2,500,000 for this purpose. Reimbursement will be made on a pro rata basis if the total dollar amount of eligible confinement costs exceeds \$2,500,000. A county may not submit for reimbursement for any offender participating in an approved work release program for whom the county is or has been reimbursed from any other State funds regardless of the source.

Applications must be submitted electronically to SBlackwood@pa.gov using the electronic version of the following form which is posted at [www.cor.state.pa.us](http://www.cor.state.pa.us). The application must be accompanied by a scanned, signed copy of the acknowledgment page of the form. Questions concerning the application may be submitted to the previously listed e-mail address.

JOHN E. WETZEL,  
*Secretary*

#### *Acknowledgment*

This application and the information contained therein is made subject to the penalties for unsworn falsification to authorities set forth in 18 Pa.C.S. § 4904.



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

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## APPLICATIONS

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### 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. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

#### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>      | <i>County &amp;<br/>Municipality</i>   | <i>Stream Name<br/>(Watershed No.)</i>  | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--|---|----------------------------|
| PA0060453<br>(Sewage)       | Camp Lavi<br>P O Box<br>Lake Como, PA 18437 | Wayne County<br>Buckingham<br>Township | Unnamed Tributary to<br>Equinunk Creek<br>Watershed 1A<br>High Quality Cold water<br>Fishes | Y                          |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>             | <i>Stream Name<br/>(Watershed No.)</i>                         | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--|--|----------------------------|
| PA0033669<br>(Sewage)       | Valley View Park WWTP<br>Edinger Road<br>Dallas, PA 18612                        | Luzerne County<br>Dallas Township                | UNT to Abrahams Creek<br>(05B)                                 | Y                          |
| PAS802214<br>(Storm Water)  | North American Bulk<br>Transportation<br>3190 Daniels Road<br>Nazareth, PA 18064 | Northampton County<br>Upper Nazareth<br>Township | Unnamed Tributary to<br>East Branch Monocacy<br>Creek<br>(2-C) | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>         | <i>Stream Name<br/>(Watershed #)</i>           | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--|--|----------------------------|
| PA0080861<br>(Sew)          | Walmar Manor MHP<br>10006 Hammock Bend<br>Chapel Hill, NC 27517                             | York County<br>Franklin Township             | North Branch Bermudian<br>Creek / 7-F          | Y                          |
| PA0083020<br>(Sew)          | Forbes Road School District<br>159 Red Bird Drive<br>Waterfall, PA 16689                    | Fulton County<br>Taylor Township             | Elders Branch / 12-C                           | Y                          |
| PA0051764<br>(Sew)          | Galen Hall Corporation<br>815 Lancaster Avenue<br>Reading, PA 19607                         | Berks County<br>South Heidelberg<br>Township | UNT Little Cocalico<br>Creek / 7-J             | Y                          |
| PA0084484<br>(Sew)          | Salisbury Township<br>5581 Old Philadelphia Pike<br>Gap, PA 17527                           | Lancaster County<br>Salisbury Township       | UNT Pequea Creek / 7-K                         | Y                          |
| PA0088927<br>(CAFO)         | John Keating<br>Keating Farm CAFO<br>1620 Beans Cove Road<br>Clearville, PA 15535           | Bedford County<br>Southampton<br>Township    | Lost Run / HQ-CWF / 13-A                       | Y                          |
| PA0080446<br>(Sew)          | Valley View Manor<br>Mobile Home Park<br>Thomas Grosh<br>PO Box 223<br>State Line, PA 17263 | Franklin County<br>Antrim Township           | Dry Swale UNT<br>Conococheague Creek /<br>13-C | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i>         | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--|----------------------------|
| PA0228524<br>(Sewage)       | Duncan Township WWTP<br>22 Antrim Main Street<br>Wellsboro, PA 16901                | Tioga County<br>Duncan Township      | Unnamed Tributary of<br>Wilson Creek<br>(9-A)  | Y                          |
| PA0035815<br>(Sewage)       | Bellefonte KOA<br>Campground WWTP<br>2481 Jacksonville Road<br>Bellefonte, PA 16823 | Centre County<br>Marion Township     | Unnamed Tributary of<br>Nittany Creek<br>(9-C) | Y                          |
| PA0114324<br>(Sewage)       | DeMorgan Acres MHP<br>290 De Morgan Acres Lane<br>Canton, PA 17724-9166             | Bradford County<br>Canton Township   | Unnamed Tributary to<br>Alba Creek<br>(4-C)    | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed#)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|-------------------------------------|----------------------------|
| PA0027367<br>(Sewage)       | Greenville Sanitary Authority STP<br>183 Hamburg Road<br>Greenville, PA 16125 | Mercer County<br>Greenville Borough  | Shenango River<br>(20-A)            | Y                          |

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

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

**PA0244031**, Sewage, SIC Code 4952, **Chadds Ford Township Sewer Authority**, 10 Ring Road, P. O. Box 816, Chadds Ford, PA 19317-0628. Facility Name: Turners Mill STP. This existing facility is located in Chadds Ford Township, **Delaware 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), Harvey Run, is located in State Water Plan watershed 3H 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 0.14 MGD.

| Parameters                             | Mass (lb/day)   |                     | Minimum | Concentration (mg/l) |                | Instant. Maximum |
|--|-----------------|---------------------|---------|----------------------|----------------|------------------|
|  | Average Monthly | Weekly Average      |         | Average Monthly      | Weekly Average |                  |
| Flow (MGD)                             | Report          | Report<br>Daily Max | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                              | XXX             | XXX                 | 6.0     | XXX                  | XXX            | 9.0              |
| Dissolved Oxygen                       | XXX             | XXX                 | 6.0     | XXX                  | XXX            | XXX              |
| Total Residual Chlorine                | XXX             | XXX                 | XXX     | 0.5                  | XXX            | 1.2              |
| CBOD <sub>5</sub>                      | 12.0            | 18.0                | XXX     | 10.0                 | 15.0           | 20.0             |
| Total Suspended Solids                 | 12.0            | 18.0                | XXX     | 10.0                 | 15.0           | 20               |
| Fecal Coliform (CFU/100 ml)            | XXX             | XXX                 | XXX     | 50                   | XXX            | 1000             |
|  |                 |                     |         | Geo Mean             |                |                  |
| Nitrate-Nitrite as N                   | Report          | XXX                 | XXX     | Report               | XXX            | XXX              |
| Total Nitrogen (lbs/year)<br>(Interim) | Report          | XXX                 | XXX     | Report               | XXX            | XXX              |
| Total Nitrogen (Final)                 | 46.704          | XXX                 | XXX     | 40                   | XXX            | 20               |
| Ammonia-Nitrogen                       |                 |                     |         |                      |                |                  |
| May 1 - Oct 31                         | 1.8             | XXX                 | XXX     | 1.5                  | XXX            | 3.0              |
| Nov 1 - Apr 30                         | 5.3             | XXX                 | XXX     | 4.5                  | XXX            | 9.0              |
| Total Kjeldahl Nitrogen                | Report          | XXX                 | XXX     | Report               | XXX            | XXX              |
| Total Phosphorus                       | 1.2             | XXX                 | XXX     | 1.0                  | XXX            | 2.0              |

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

- Notification of Designation of Operator
- Abandon STP When Municipal Sewers Available
- Remedial Measures if Unsatisfactory Effluent
- No Storm Water
- Acquire Necessary Property Rights
- Change in Ownership
- Total Residual Chlorine Requirement
- Sludge Disposal Requirement
- I-max Requirements
- Operation and Maintenance Plan
- Laboratory Certification
- Fecal Coliform

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

The EPA Waiver is in effect.

**PA0020303**, Sewage, SIC Code 4952, **Schwenksville Borough Authority**, P. O. Box 458, Schwenksville, PA 19473-0458. Facility Name: Schwenksville STP. This existing facility is located in Schwenksville Borough, **Montgomery 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), Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

| Parameters                  | Mass (lb/day)      |                     | Inst.<br>Minimum | Concentration (mg/l) |                   | Instant.<br>Maximum |
|-----------------------------|--------------------|---------------------|------------------|----------------------|-------------------|---------------------|
|                             | Average<br>Monthly | Weekly<br>Average   |                  | Average<br>Monthly   | Weekly<br>Average |                     |
| Flow (MGD)                  | Report             | Report<br>Daily Max | XXX              | XXX                  | XXX               | XXX                 |
| pH (S.U.)                   | XXX                | XXX                 | 6.0              | XXX                  | XXX               | 9.0                 |
| Dissolved Oxygen            | XXX                | XXX                 | 5.0              | XXX                  | XXX               | XXX                 |
| Total Residual Chlorine     | XXX                | XXX                 | XXX              | 0.5                  | XXX               | 1.2                 |
| CBOD <sub>5</sub>           |                    |                     |                  |                      |                   |                     |
| (May 1 - Oct 31)            | 50                 | 75                  | XXX              | 20                   | 30                | 40                  |
| (Nov 1 - Apr 30)            | 63                 | 100                 | XXX              | 25                   | 40                | 50                  |
| Total Suspended Solids      | 50                 | 75                  | XXX              | 20                   | 30                | 40                  |
| Fecal Coliform (CFU/100 ml) |                    |                     |                  |                      |                   |                     |
| May 1 - Sep 30              | XXX                | XXX                 | XXX              | 200                  | XXX               | 1,000               |
| Oct 1 - Apr 30              | XXX                | XXX                 | XXX              | Geo Mean<br>200      | XXX               | 1,000*              |
| Ammonia-Nitrogen            |                    |                     |                  |                      |                   |                     |
| (May 1 - Oct 31)            | 7.5                | XXX                 | XXX              | 3.0                  | XXX               | 6.0                 |
| (Nov 1 - Apr 30)            | 23                 | XXX                 | XXX              | 9.0                  | XXX               | 18.0                |
| Total Phosphorus            |                    |                     |                  |                      |                   |                     |
| (Apr 1 - Oct 31)            | 3.7                | XXX                 | XXX              | 1.5                  | XXX               | 3.0                 |

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

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

- Compliance of CO&A
- Prohibition of SSOs

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

The EPA Waiver is in effect.

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

**PA0261785, Industrial Wastewater**, SIC Code 4922, **Texas Eastern Transmission LP**, 890 Winter Street, Waltham, MA 02451. Facility Name: Texas Eastern Bedford Compressor Station. This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of hydrostatic testing discharges.

The receiving stream(s), Evitts Creek and Unnamed Tributary of Shobers Run, is located in State Water Plan watershed—and 13-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.7 MGD.

| Parameters                             | Mass (lb/day) |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|--|---------------|------------------|---------|----------------------|------------------|---------------------|
|  | Average       | Daily<br>Maximum | Minimum | Average              | Daily<br>Maximum |                     |
| Flow (GPM)                             | Report        | Report           | XXX     | XXX                  | XXX              | XXX                 |
| Duration of Discharge (hours)          | XXX           | XXX              | XXX     | XXX                  | XXX              | Report              |
| pH (S.U.)                              | XXX           | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Dissolved Oxygen                       | XXX           | XXX              | 5.0     | XXX                  | XXX              | XXX                 |
| Total Residual Chlorine <sup>(1)</sup> | XXX           | XXX              | XXX     | Report               | XXX              | 0.05                |
| Total Suspended Solids                 | XXX           | XXX              | XXX     | Report               | XXX              | 10                  |
| Oil and Grease                         | XXX           | XXX              | XXX     | Report               | XXX              | 5                   |
| Dissolved Iron                         | XXX           | XXX              | XXX     | Report               | XXX              | 1.5                 |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.7 MGD.

| Parameters                             | Mass (lb/day) |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|--|---------------|------------------|---------|----------------------|------------------|---------------------|
|  | Average       | Daily<br>Maximum | Minimum | Average              | Daily<br>Maximum |                     |
| Flow (GPM)                             | Report        | Report           | XXX     | XXX                  | XXX              | XXX                 |
| Duration of Discharge (hours)          | XXX           | XXX              | XXX     | XXX                  | XXX              | Report              |
| pH (S.U.)                              | XXX           | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Dissolved Oxygen                       | XXX           | XXX              | 5.0     | XXX                  | XXX              | XXX                 |
| Total Residual Chlorine <sup>(1)</sup> | XXX           | XXX              | XXX     | Report               | XXX              | 0.05                |

| Parameters             | Mass (lb/day) |                  |         | Concentration (mg/l) |                  |                     |
|------------------------|---------------|------------------|---------|----------------------|------------------|---------------------|
|                        | Average       | Daily<br>Maximum | Minimum | Average              | Daily<br>Maximum | Instant.<br>Maximum |
| Total Suspended Solids | XXX           | XXX              | XXX     | Report               | XXX              | 10                  |
| Oil and Grease         | XXX           | XXX              | XXX     | Report               | XXX              | 5                   |
| Dissolved Iron         | XXX           | XXX              | XXX     | Report               | XXX              | 1.5                 |

<sup>(1)</sup> Only if chlorinated water is used

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

The EPA Waiver is in effect.

**PA0027596**, SIC Code 3273, 327320, 324121, 212312, **New Enterprise Stone & Lime Co. Inc.**, PO Box 77, New Enterprise, PA 16664-0077. Facility Name: New Enterprise Stone Roaring Spring Quarry. This existing facility is located in Taylor Township, **Blair County**.

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

The receiving stream(s), Halter Creek, is located in State Water Plan watershed 11-A, and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.345 MGD.

| Parameters             | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                        | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Flow (MGD)             | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)              | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Total Suspended Solids | Report             | Report           | XXX     | 30                   | 50               | 60                  |

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

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

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

The EPA Waiver is in effect.

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

**PA0046159**, Sewage, SIC Code 4952, **Houtzdale Borough Municipal Sewer Authority**, P. O. Box 277, Houtzdale, PA 16651-0277. Facility Name: Houtzdale Municipal Sewer Authority Sewer System STP. This existing facility is located in Houtzdale Borough, **Clearfield 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), Beaver Run, is located in State Water Plan watershed 8-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

| Parameters                      | Mass (lb/day)      |                  |         | Concentration (mg/l) |                   |                     |
|---------------------------------|--------------------|------------------|---------|----------------------|-------------------|---------------------|
|                                 | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Weekly<br>Average | Instant.<br>Maximum |
| Flow (MGD)                      | Report             | Report           | XXX     | XXX                  | XXX               | XXX                 |
| pH (S.U.)                       | XXX                | XXX              | 6.0     | XXX                  | XXX               | 9.0                 |
| Total Residual Chlorine         | XXX                | XXX              | XXX     | 0.35                 | XXX               | 1.0                 |
| CBOD <sub>5</sub>               |                    |                  |         |                      |                   |                     |
| May 1 - Sep 30                  | 50                 | 75               | XXX     | 20                   | 30                | 40                  |
| Oct 1 - Apr 30                  | 63                 | 100              | XXX     | 25                   | 40                | 50                  |
| BOD <sub>5</sub> (lbs/mo)       |                    |                  |         |                      |                   |                     |
| Raw Sewage Influent             | Report             | XXX              | XXX     | Report               | XXX               | XXX                 |
| Total Suspended Solids (lbs/mo) |                    |                  |         |                      |                   |                     |
| Raw Sewage Influent             | Report             | XXX              | XXX     | Report               | XXX               | XXX                 |

| Parameters                  | Mass (lb/day)      |                  |         | Concentration (mg/l) |                   | Instant.<br>Maximum |
|-----------------------------|--------------------|------------------|---------|----------------------|-------------------|---------------------|
|                             | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Weekly<br>Average |                     |
| Total Suspended Solids      | 75                 | 113              | XXX     | 30                   | 45                | 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<br>2,000    | XXX               | 10,000              |
| Ammonia-Nitrogen            |                    |                  |         |                      |                   |                     |
| May 1 - Sep 30              | 9                  | 13.5             | XXX     | 4.5                  | 6.5               | 9.0                 |
| Oct 1 - Apr 30              | 27                 | 40.5             | XXX     | 13.5                 | 19.5              | 27                  |
| Total Aluminum              | XXX                | XXX              | XXX     | Report               | Report            | XXX                 |
| Total Iron                  | XXX                | XXX              | XXX     | Report               | Report            | XXX                 |
| Total Manganese             | XXX                | XXX              | XXX     | Report               | Report            | XXX                 |
|                             |                    |                  |         |                      | Daily Max         |                     |

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

EPA Non-Waivered.

**PA0228371**, SIC Code 2951, **Crafco, Inc.**, P. O. Box 191, Northumberland, PA 17857. Facility Name: Crafco, Inc. Asphalt Emulsion Plant. This existing facility is located in Northumberland Borough, **Northumberland County**.

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

The receiving stream(s), Unnamed Tributary to West Branch Susquehanna River, is located in State Water Plan watershed 10-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001.

| Parameters              | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|-------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                         | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum |                     |
| pH (S.U.)               | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| CBOD <sub>5</sub>       | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Chemical Oxygen Demand  | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Total Suspended Solids  | XXX                | XXX              | XXX     | 15                   | 22.5             | XXX                 |
| Oil and Grease          | XXX                | XXX              | XXX     | 10                   | 15               | XXX                 |
| Total Kjeldahl Nitrogen | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Total Phosphorus        | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Dissolved Iron          | XXX                | XXX              | XXX     | Report               | XXX              | 7.0                 |
|                         |                    |                  |         |                      | Daily Max        |                     |

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

The EPA Waiver is in effect.

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

**PA0254029**, Industrial Waste, SIC Code 4941, **Buffalo Township Municipal Authority**, 707 Sarver Pike Road, Sarver, PA 16055. Facility Name: Buffalo Township Municipal Authority At Freeport. This proposed facility is located in Freeport Borough, **Armstrong County**.

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

The receiving stream(s), Allegheny River, is located in State Water Plan watershed 18-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0375 MGD.

| Parameters              | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|-------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                         | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum |                     |
| Flow (MGD)              | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)               | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Total Residual Chlorine | XXX                | XXX              | XXX     | 0.5                  | XXX              | 1.0                 |



| Parameters             | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                        | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Total Suspended Solids | XXX                | XXX              | XXX     | 30                   | XXX              | 60                  |
| Total Aluminum         | XXX                | XXX              | XXX     | 4.0                  | XXX              | 8.0                 |
| Total Iron             | XXX                | XXX              | XXX     | 2.0                  | XXX              | 4.0                 |
| Total Manganese        | XXX                | XXX              | XXX     | 1.0                  | XXX              | 2.0                 |

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

The EPA Waiver is in effect.

**NPDES Permit No. PA0267716**, CAFO, **Hillcrest Saylor Dairy Farms LLC**, 3684 Kingwood Road, Rockwood, PA 15557. This facility is located in Middlecreek Township, **Somerset County**.

Description of Size and Scope of Proposed Action/Activity: Authorization to operate a 1345.97 Animal Equivalent Units dairy operation. The farm is located in the Casselman River Watershed (WWF, Watershed 19F). Stormwater from the farm flows to a UNT to Middle Creek (TFS-19F) then to the Casseleman River. Water also flows to a UNT of Lost Creek (HQ-CWF-19E) which flows to Laurel Hill Creek (HQ-CWF-19E) which flows into the Casselman River. The CAFO has a target animal population of approximately 1345.97 animal equivalent units consisting of 660 milk cows, 60 dry cows, 379 heifers and 209 calves. There is one clay lined liquid manure storage facility and one HDPE lined liquid manure storage facility on the farm. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southwest Regional Office of the Department.

Persons may make an appointment to review the Department files on this case by calling the file review coordinator at (412) 442-4000.

The Environmental Protection Agency permit waiver provisions under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0217522**, Sewage, SIC Code 4952, **Smithton Borough Municipal Authority Westmoreland County**, PO Box 342, Smithton, PA 15479. Facility Name: Smithton Borough Municipal Authority. This existing facility is located in Smithton Borough, **Westmoreland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.066 MGD.

| Parameters                  | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|-----------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                             | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Flow (MGD)                  | Report             | XXX              | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)                   | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Dissolved Oxygen            | XXX                | XXX              | 5.0     | XXX                  | XXX              | XXX                 |
| Total Residual Chlorine     | XXX                | XXX              | XXX     | 0.6                  | XXX              | 1.3                 |
| CBOD <sub>5</sub>           | 13.8               | XXX              | XXX     | 25                   | XXX              | 50                  |
| Total Suspended Solids      | 16.5               | 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<br>2,000    | XXX              | 10,000              |
| Ammonia-Nitrogen            |                    |                  |         | Geo Mean             |                  |                     |
| May 1 - Oct 31              | 1.9                | XXX              | XXX     | 3.5                  | XXX              | 7.0                 |
| Nov 1 - Apr 30              | 5.8                | XXX              | XXX     | 10.5                 | XXX              | 21.0                |

The EPA Waiver is in effect.

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

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

**WQM Permit No. 0912401**, Sewage, **Wrightstown Township**, 2033 Second Street Pike, Wrightstown, PA 18940.

This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a wastewater treatment system which consist of individual grinder stations and a force main conveyance to treatment lagoon.

**WQM Permit No. 1512402**, Sewage, **Easttown Municipal Authority**, 566 Beaumont Road, Devon, PA 19333.

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

Description of Action/Activity: Construction of a new wet well/dry well sewage pumping station and emergency generator/control building, associated with piping and electrical work, site work, demolition of the existing station.

**WQM Permit No. 1505428**, Sewage, **Amendment, Borough of Spring City**, 6 South Church Street, Spring City, PA 19475.

This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Construction of chemical feed facilities for the addition of ferric chloride and/or aluminum sulfate at the Borough's WWTP to reduce effluent phosphorus concentrations.

**WQM Permits No. 1505420**, Sewage, **Renewal, West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Renewal of existing WQM permit.

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

**WQM Permit No. 6612401**, Sewerage, **Tunkhannock Borough Municipal Authority**, 203 West Tioga Street, Tunkhannock, PA 18657

This proposed facility is located in Tunkhannock Boro., **Wyoming County**, PA.

Description of Proposed Action/Activity: This application is for re-rating the organic design capacity of the existing sewage treatment plant from 510 pounds BOD<sub>5</sub> per day to 620 pounds per day BOD<sub>5</sub>.

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

**WQM Permit No. 5012402**, Sewerage, **David & Meagen Jones**, 322 Sleepy Hollow Road, Shermans Dale, PA 17032.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment facility to serve their proposed 3 bedroom facility on a 1.4 acre lot, adjacent to Sloop Road (north side).

**WQM Permit No. 2212401**, Sewerage, **Jeremy & Elizabeth Brocius**, 6418 Schoolhouse Road, Hershey, PA 17033.

This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment facility to serve their existing residence.

**WQM Permit No. 3812402**, Sewerage, **Northern Lebanon County Authority**, PO Box 434, 400 Jonestown Road, Jonestown, PA 17038-0434.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction of a new sequencing batch reactor (SBR) wastewater treatment facility with new influent pump station, new influent screening, new aerobic digesters, new post SBR equalization facilities, new post SBR cloth media disk filters, new UV disinfection facilities, new utility water system, new sludge dewatering centrifuge, and renovations to existing tanks and facilities.

**WQM Permit No. 2299402, Amendment 12-1**, Sewerage, **Elizabethville Borough Area Authority**, 4154 Route 225, Elizabethville, PA 17023.

This proposed facility is located in Elizabethville Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the installation/operation of an aluminum chlorohydrate or aluminum chloride chemical feed system for phosphorus removal in order to comply with the Chesapeake Bay nutrient removal requirements. Construct a new chemical feed building to house the chemical feed system.

**WQM Permit No. 3412401**, Sewerage, **Thompstontown Municipal Authority**, PO Box 154, Thompstown, PA 17904.

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

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing wastewater treatment facility with new facilities to enhance the plant's nitrogen and phosphorus removal and increase the hydraulic capacity.

**WQM Permit No. 2112201**, CAFO, **Hard Earned Acres**, Robert Keefer, 1317 Ritner Highway, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction / operation of an anaerobic digester, manure separation, manure handling, electricity generation and manure storage facilities.

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-------------------------|----------------------------|
| PAI023912001            | Dan McCreary<br>The Dennis Group, LLC<br>1537 Main St.<br>Springfield, MA 01103 | Lehigh        | Upper Macungie Township | Iron Run,<br>HQ-CWF, MF    |

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235, 610-377-4894.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>        | <i>Receiving Water/Use</i>  |
|-------------------------|---|---------------|----------------------------|---|
| PAI021312001            | Brian Stroup<br>Boulder Oaks<br>425 Springhouse Lane<br>Palmerton, PA 18071 | Carbon        | Lower Towamensing Township | UNT to Hunter Creek,<br>HQ-CWF, MF;<br>Hunter Creek,<br>HQ-CWF, MF;<br>Buckwha Creek,<br>HQ-CWF, MF;<br>Aquashicola Creek,<br>TSF, MF |
| PAI021312002            | Towamensing Twp. Supervisors<br>120 Stable Rd.<br>Lehighton, PA 18235       | Carbon        | Towamensing Twp.           | Hunter Creek,<br>HQ-CWF, MF   |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                          |
|-------------------------|--|---------------|---------------------|---|
| PAI024810003(1)         | F&M Farms, LLC<br>Danaiel Markowitz<br>41 Crane Road<br>Mountain Lakes, NJ 07046 | Northampton   | Bushkill Township   | UNT to Bushkill Creek<br>(Sobers Run)<br>HQ-CWF, MF |

*Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, 570-253-0930.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI026412004            | John Gigliotti<br>The Hideout Property<br>Owners Assoc.<br>640 The Hideout<br>Lake Ariel, PA 18436 | Wayne         | Lake Township       | Ariel Creek<br>HQ-CWF, MF  |

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

| <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i>      |
|-------------------|---|---------------|-----------------------|---------------------------------|
| PAI032211003      | Lower Paxton Twp. Authority<br>425 Prince Street, Suite 139<br>Harrisburg, PA 17109     | Dauphin       | Lower Paxton Township | UNT to Spring Creek/<br>CWF, MF |
| PAI034412001      | Mifflin Co. Airport Authority<br>547 Airport Road<br>PO Box 461<br>Reedsville, PA 17084 | Mifflin       | Brown Township        | UNT to Tea Creek/<br>HQ-CWF     |

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860

| NPDES Permit No. | Applicant Name & Address                                | County | Municipality   | Receiving Water/Use                   |
|------------------|---|--------|----------------|---------------------------------------|
| PAI046012002     | Floyd L Martin<br>1265 Cold Run Rd<br>Millmont PA 17845 | Union  | Lewis Township | Trib 19082 to Buffalo Creek<br>HQ-CWF |

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

|        |                                |
|--------|--------------------------------|
| PAG-12 | CAFOs                          |
| PAG-13 | Stormwater Discharges from MS4 |

**STATE CONSERVATION COMMISSION**

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (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 a right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

| Agricultural Operation Name and Address  | County   | Total Acres | Animal Equivalent Units | Animal Type     | Special Protection Waters (HQ or EV or NA) | Renewal / New |
|--|----------|-------------|-------------------------|-----------------|--|---------------|
| Jobo Holstein Farm, LLC<br>200 Tall Oaks Road<br>Gettysburg, PA 17325                            | Adams    | 1007.8      | 1609.88                 | Dairy           | NA   | Renewal       |
| Burk Lea Farms<br>Stanley & Clinton Burkholder<br>3099 Grand Point Rd.<br>Chambersburg, PA 17202 | Franklin | 1266.6      | 1707.8                  | Dairy           | NA   | Renewal       |
| Hammer Creek Holsteins<br>Lavern Martin<br>260 Schaeffer Road<br>Lebanon, PA 17042               | Lebanon  | 223         | 416.49                  | Dairy & Poultry | HQ   | Approved      |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be

considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 0612501**, Public Water Supply.

|                       |  |
|-----------------------|--|
| Applicant             | <b>Crossroads Beverage Group, LLC</b>  |
| Municipality          | Muhlenberg Township  |
| County                | <b>Berks</b>   |
| Responsible Official  | Kirk Richmond, Chief Operating Officer<br>PO Box 1029<br>Silver Springs, FL 34489                      |
| Type of Facility      | Public Water Supply  |
| Consulting Engineer   | Kenneth M Justice, P.E.<br>AEON Geosciences, Inc<br>2120 Bellemead Avenue<br>Havertown, PA 190823-2250 |
| Application Received: | 1/26/2012  |
| Description of Action | New bottled water facility.  |

**Application No. 3612502 MA, Minor Amendment**, Public Water Supply.

|                       |   |
|-----------------------|---|
| Applicant             | <b>Columbia Water Company</b>   |
| Municipality          | Columbia Borough  |
| County                | <b>Lancaster</b>  |
| Responsible Official  | David T. Lewis, General Manager<br>220 Locust Street<br>Columbia, PA 17512                |
| Type of Facility      | Public Water Supply   |
| Consulting Engineer   | David T. Lewis, P.E.<br>Columbia Water Company<br>220 Locust Street<br>Columbia, PA 17512 |
| Application Received: | 1/24/2012   |
| Description of Action | Conversion of the Prospect Road Tank Chlorine Booster Station to sodium hypochlorite      |

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

|   |  |
|---|--|
| <b>Permit No. 3712501</b> , Public Water Supply |  |
| Applicant                                       | <b>New Wilmington Municipal Authority</b>  |
| Township or Borough                             | Wilmington Township  |
| County  | <b>Lawrence</b>  |
| Responsible Official                            | Fred Garrett, Borough Superintendent   |
| Type of Facility                                | Public Water Supply  |
| Consulting Engineer                             | Thomas E. Bankson, P.E., PLS<br>Bankson Engineers, Inc.<br>267 Blue Run Road<br>P. O. Box 200<br>Indianola, PA 15051 |
| Application Received Date                       | January 30, 2012   |
| Description of Action                           | Installation of booster chlorination facility at Authority's water storage reservoirs.                               |

### 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 mediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the mediator 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 Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former Schaefferstown Elementary School**, 301 North Carpenter Street, Schaefferstown, Heidelberg Township, **Lebanon County**. SSM Group, Inc., 1047 North Park Road, Reading, PA 19610, on behalf of Eastern Lebanon County School District, 180 Elco Drive, Myerstown, PA 17067, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard. Future use of the currently unused site will be as a school or administrative offices for the school district.

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

**Evangelical Community Hospital**, Kelly Township, **Union County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Evangelical Community Hospital, One Hospital Drive, Lewisburg, PA 17837 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

## AIR QUALITY

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

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

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

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

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

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

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

### PLAN APPROVALS

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

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

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

**42-028E: Saint-Gobain Containers, Inc.** (One Glass Place, Port Allegany, PA 16743) for the Repair Project (rebricking/repair of Furnace 3, rebricking Shop 33/34 forehearth, and repair Shop 33/34 IS machine) and adding oxygen enriched air staging (OEAS) at Furnace 3 in accordance with the Global Consent Decree in Port Allegany Borough, **McKean County**. This is a Title V facility.

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

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

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

**43-309B: Bucks Fabricating** (3547 Perry Highway, Hadley, PA 16130-2325) for the construction of two (2) new paint booths. One of these booths is a replacement for source 103 (surface coating) in the facility state only operating permit. The second booth is to allow the

processing of larger products. This facility is located in Sandy Creek Township, **Mercer County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-309B to Bucks Fabricating for the construction of two (2) new paint booths. This facility is located in Sandy Creek Township, Mercer County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-309B is for the construction of two (2) new paint booths. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 30 tons of year of volatile organic compounds.

The Plan Approval will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

### PLAN APPROVAL

#### PUBLIC MEETINGS AND PUBLIC HEARINGS

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

*Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637*

**Public Meeting and Public Hearing  
Angelina Gathering Company, Greenzweig  
Compressor Station  
Herrick Township, Bradford County.**

The Department of Environmental Protection will conduct a public meeting at 6:30 p.m. on Thursday, March 22, 2012 at the Herrick Township Volunteer Fire Co., 6149 Herrickville Road, Wyalusing, to discuss the proposed Air Quality plan approval, 08-00030B, submitted by Angelina Gathering Company for expansion of its Greenzweig Compressor Station in Herrick Township, Bradford County.

Staff from DEP's Air Quality Program will explain the application review process and applicable regulations, and Angelina Gathering Company officials will review the project with the audience. These presentations will be followed by a question and answer session with citizens.

Angelina Gathering Company submitted a Plan Approval 08-00030B application on April 21, 2011, to the Pennsylvania Department of Environmental Protection for construction of a natural-gas-fired compressor engine equipped with an oxidation catalyst at the Greenzweig Compressor Station located in Herrick Township, Bradford County. The plan would include a fifth 1775 horsepower, 4SLB, natural gas-fired Caterpillar engine to provide power to abnatural gas compressor, which would increase the pressure of the incoming natural gas to the facility and discharge the gas at a higher pressure for transport to a network of pipelines. The proposed engine will be equipped with a "clean burn" electronic control system to control NO<sub>x</sub> emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from the proposed engine will be controlled by a GT Exhaust Systems oxidation catalyst unit. The potential emissions of all criteria air contaminants, including greenhouse gases ("GHG"), from the proposed project will not exceed the major emission thresholds. Therefore, the facility will be a minor facility. Addition-

ally, the Department published a notice of intent to issue the plan approval in the *Pennsylvania Bulletin* on November 5, 2011, for comments regarding the proposed Plan Approval 08-00030B.

The public meeting will be followed by a DEP public hearing beginning at 8:00 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed Air Quality Plan Approval. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of five minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. DEP will respond in writing to all relevant testimony provided during the public hearing.

Persons unable to attend the public hearing can submit three copies of a written statement to the Department by the close of business on Monday, April 2, 2012. The statement should be sent to: Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701

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

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

*Contact: William Charlton, New Source Review Chief—Telephone: 412-442-4174*

### Public Hearing

#### 32-00055H: EME Homer City Generation, LP

#### Homer City Generating Station FGD Installation Black Lick and Center Townships, Indiana County

Per 25 Pa. Code § 127.48 notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing from 5:00-7:00 PM on Wednesday, March 14, 2012 at the Homer-Center High School, 70 Wildcat Lane, Homer City, PA 15748.

The hearing is to take testimony concerning the Department's intent to issue a Plan Approval to EME Homer City Generation, LP for the installation of Alstom Novel Integrated Desulfurization systems with fabric filters on Unit 1 & 2 at the Homer City Generating Station in Black Lick and Center Townships, Indiana County. Air emission sources to be added to the facility include lime and byproduct material handling systems. NID systems are being installed primarily to reduce SO<sub>2</sub> emissions from Unit 1 & 2. Secondary control of PM<sub>10</sub>/PM<sub>2.5</sub>, VOC, mercury, lead, sulfuric acid mist, hydrogen chloride, and fluorides is expected. The Department published a separate notice of intent to issue this plan approval in the *Pennsylvania Bulletin* to allow for public comments regarding the proposed plan approval.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, John Poister, at (412) 442-4203 before March 14, 2012, to register.

Persons unable to attend the public hearing can submit three copies of a written statement to the department within 10 days thereafter. The statement should be sent

to: Alan Binder, Air Quality Program, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

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

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

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

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

**67-03098: White Rose Crematorium, LLC** (420 Patison Street, York, PA 17403) for operation of their human crematory facility in York City, **York County**.

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

Actual facility emissions for 2010 were: 0.4 tons NO<sub>x</sub>, 1.4 tons CO, 0.98 tons PM, 0.35 tons SO<sub>2</sub>, and 0.4 tons VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

**06-05084: Electro Space Fabricators, Inc.** (300 West High Street, Topton, PA 19562), for the steel and aluminum enclosure manufacturing facility in Topton Borough, **Berks County**.

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

The subject facility has actual emissions of 1.4 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart WWWWWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

**36-03188: Dorma Door Controls, Inc.** (Dorma Drive, Reamstown, PA 17567) for operation of a door controls manufacturing operation in East Cocalico Township, **Lancaster County**.

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

The subject facility's actual overall emissions of VOCs were reported to be less than 10 tons per year.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52.

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



A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

**17-00046: HPM Industries, Inc.—Atlas Pressed Metals** (125 Tom Mix Drive, DuBois, PA 15801) on November 18, 2011, to issue a state only operating permit for their powdered metal parts manufacturing facility in the City of DuBois, **Clearfield County**. The facility's main sources include (5) sintering furnaces, a dip sizing operating, and an oil impregnation system. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

**08-00010: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504), for their facility in North Towanda Township, **Bradford County**. The facility produces powders, semi-finished products and components made from tungsten, molybdenum and phosphor. The facility has the potential to emit less than the major thresholds for SO<sub>x</sub>, PM, and HAPs. The facility has the potential to emit greater than the major thresholds for CO, NO<sub>x</sub>, VOCs, and GHG. However, the permittee has voluntarily elected to restrict the natural gas usage at the facility to reduce the CO, NO<sub>x</sub>, VOC, and GHG emissions to below the major thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**41-00045: RP's Machinery Sales** (175 Old Route 220 Highway, PO Box 507, Jersey Shore, PA 17740) on January 19, 2012, to issue a state only operating permit for their steel (bridge parts) fabrication facility located in Piatt Township, **Lycoming County**. The facility's main sources include a shot blast machine, oxygen-propane burning machines, and a surface coating operation. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or

less (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**03-00151: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) for bituminous coal and lignite surface mining at the Dutch Run Preparation Plant (Darmac Number 2) in Plumcreek Township, **Armstrong County**. This is a State Only Operating Permit Renewal Application submittal.

**63-00064: North Central Processing, Inc. / Donora Site** (2002 Meldon Avenue, Donora, PA 15033) for the operation of drying and sizing metallurgical coke located in Carroll Township, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of a 12.78 MMBtu/hr natural gas Gencor dryer equipped with a 14,000 cfm baghouse, one hopper, one double deck screen, one pug mill, one bucket elevator, four storage silos and various covered/enclosed conveyors. The facility has the potential to emit 28.10 tpy PM, 4.82 tpy NO<sub>x</sub>, 26.72 tpy CO, 2.41 tpy VOC and 3.37 tpy SO<sub>x</sub>. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Tons of coke shipped on a weekly and monthly basis, hours of operation of the pug mill, dates of filter changes on control devices and any preventative and corrective maintenance performed must be recorded in an on-site log. Stockpiles shall be kept as compact as possible to limit exposure to the wind. Material shall be stockpiled in such a manner that it may be adequately wetted as necessary to control fugitive emissions. The plant access roadway shall be paved with an asphalt surface. This road, as well as 250 feet of State Route 837 on both sides of the plant access road, shall be kept free of debris and maintained in good working condition acceptable to the Department. A pressurized water truck shall be available at this site. All conveyor belts except for the feed belt into the dryer are to be covered at all times. Loading from Silo #1 and #2 must remain inside enclosed building, building doors remain closed, and building baghouse operating to capture particulate. Truck loading from Silo #3 and #4 must be performed using pneumatic methods. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Operating Permit (63-00064).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

**32-00409: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Starford Mine Coal Preparation Plant, located in Green Township, **Indiana County**.

The facility contains air contamination sources consisting of screens, conveyers, storage piles, and one 755-bhp emergency diesel generator engine. Raw coal throughput of the facility is limited to 1,600,000 tons per year. Facility emissions are 20.08 tons per year of PM<sub>10</sub>, 1.23 tons per year of NO<sub>x</sub>, 0.15 tons per year of CO. The facility is limited to a maximum opacity from any processing equipment of 10 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants and 40 CFR 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments,

Identification of the proposed Operating Permit (specify Operating Permit OP-32-00409), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

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

**25-00006: Russell Standard Corporation, Waterford Plant** (3580 Wheelertown Road, Waterford, PA

16441), for a Synthetic Minor Permit to operate a hot mix asphalt plant located in Le Boeuf Township, **Erie County**. The significant sources are, 1) Parallel flow drum hot mix asphalt, 2) Fugitive from storage pile, 3) Fugitive from cold aggregate handling and, 4) Fabric collector (control device). The facility has taken a restriction on production not exceeding 434,000 tons per year to qualify as a Synthetic Minor facility.

**25-00929: Russell Standard Corporation, Millcreek Plant** (2002 Pittsburg Avenue, Erie, PA 16506), for a Synthetic Minor Permit to operate a hot mix asphalt plant located in Millcreek Township, **Erie County**. The significant sources are, 1) Batch mix Asphalt Plant (process), 2) Baghouse (control device) and, 3) Cyclone (control device). The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

**42-00221: McKean County Joint Venture, LP, Hedgehog Lane Compressor Station** (88 Hedgehog Lane, Bradford, PA 16701), for an initial Natural Minor Permit to operate a compressor station located in Bradford Township, **McKean County**. The emitting sources are, 1) Reboiler, 2) 200 HP Caterpillar Compressor Engine, 3) Dehydrated plant, 4) Plant fugitives and 5) 133 HP Kohler natural gas generator. The Caterpillar compressor is subject to 40 CFR Part 63, Subpart ZZZZ, the Kohler generator engine is subject to 40 CFR Part 63, Subpart ZZZZ and 40 CFR Part 60 Subpart JJJJ. The Plant Fugitives source is subject to 40 CFR Part 60 Subpart VV and KKK. The facility is Natural Minor because the emissions are less than Title V emission threshold limits.

## 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*

**56841328 and NPDES No. PA0033677. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for Mine 78 in Adams Township, **Cambria County** and related NPDES permit for construction plan modifications at the St. Michael Treatment site to include a subsoil storage area and sediment traps for treated water which will discharge to an unnamed tributary to South Fork Little Conemaugh River. No new NPDES outfalls are proposed with this revision. Surface Acres Proposed 23.0. The application was considered administratively complete on January 30, 2012. Application received: January 17, 2012.

**30031301 and NPDES No. PA0235610. Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 25601), to revise the permit and related NPDES permit for the 4 West Mine in Perry Township, **Green County** to install the Calvin Run Airshaft site. No revision to NPDES outfalls. Surface Acres Proposed 0.9. The application was considered administratively complete on February 1, 2012. Application received: June 15, 2011.

**30841307. Emerald Coal Resources, LP**, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin, Greene, Jefferson, and Whiteley Townships, **Greene County**, ACOE Baltimore. (Waynesburg, Oak Forest, Mather, and Garards Fort, PA Quadrangle, bound by the following points for Muddy Creek from N: 21.86 inches; W: 14.23 inches to N: 0.71 inches; W: 12.39 inches; for Frosty Run from N: 19.44 inches; W: 12.80 inches to N: 21.64 inches; W: 12.32 inches; and for Dutch Run from N: 16.91 inches; W: 14.73 inches to N: 19.01 inches; W: 14.88 inches.) This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration for stream flow loss resulting from longwall mining to Dutch Run, Frosty Run, Muddy Run, and unnamed tributaries and includes a minor restoration to streams in the subsidence control plan area as necessary. Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the

Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified above. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed above. The application was considered administratively complete on February 12, 2012. Application received: June 1, 2011.

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

**11120101 and NPDES No. PA0268917. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine in White Township, **Cambria County**, affecting 92.0 acres. Receiving stream(s): Dutch Run and unnamed tributary to Dutch Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 23, 2012.

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

**10100101. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous surface mine to add auger mining in Karns City Borough & Fairview Township, **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 received: January 27, 2012.

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

**17090107 and NPDES No. PA0257257. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Revision to an existing bituminous surface mine located in Goshen Township, **Clearfield County** affecting 442.1 acres. This revision request is to allow auger mining under T-687 (Knobs Road). Receiving stream: Little Trout Run classified for high quality water fishery. The first downstream potable water supply source within 10 miles: Croft Water Association. Application received: January 23, 2012.

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

**54840203C2. Skytop Coal, Inc.**, (P. O. Box 330, Mahanoy City, PA 17948), correction to an existing anthracite coal refuse reprocessing operation to decrease the permitted acres from 200.0 to 91.8 acres and change the post mining land use from woodland to industrial/commercial and unmanaged habitat in Mahanoy Township, **Schuylkill County**, receiving streams: Mill Creek, classified for the following uses: cold water and migratory fishes; Mahanoy Creek, classified for the following uses: warm water fishes and migratory fishes. Application received: January 24, 2012.

#### *Noncoal Applications Received*

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

**56120801. Shaffer Brothers Coal Company, Inc.,** 1 Jay Street, Windber, PA 15963, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Paint Township, **Somerset County**, affecting 4.9 acres, receiving stream(s): Seese Run. Permit received: January 12, 2012.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR

Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\*The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

limitations may apply in the event that unexpected discharges occur.

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

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0262234 (Mining permit no. 32060103), TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, renewal of an NPDES permit for surface mining, including augering in East Mahoning Township, **Indiana County**, affecting 101.0 acres. Receiving stream(s): Unnamed Tributaries to Pine Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Crooked Creek TMDL. Application received: November 16, 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.

The treatment pond outfalls listed below discharge to Unnamed Tributaries to Pine Run.

|                     |                          |
|---------------------|--------------------------|
| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
| 004, 005 & 006      | N                        |

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

| <i>Outfalls:<br/>Parameter</i>                                     | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l)  | 3.0                       | 6.0                      | 7.0                         |
| Manganese (mg/l)   | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)  | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l)                                      | 35.0                      | 70.0                     | 90.0                        |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                           |                          |                             |
| Alkalinity must exceed acidity at all times                        |                           |                          |                             |

The sediment pond outfalls listed below discharge to Unnamed Tributaries to Pine Run.

|                     |                          |
|---------------------|--------------------------|
| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
| 001, 002 and 003    | N                        |

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

| <i>Outfalls:<br/>Parameter</i>                                     | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|--|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l)  |                           |                          | 7.0                         |
| Total Settleable Solids (ml/l)                                     |                           |                          | 0.5                         |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                           |                          |                             |
| Alkalinity must exceed acidity at all times                        |                           |                          |                             |

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

**NPDES No. PA0259225 (Permit No. 10110107), K & A Mining** (P. O. Box 288, Grove City, PA 16127) New NPDES permit for a bituminous surface mine in Fairview Township, **Butler County**, affecting 23.5 acres. Receiving streams: Unnamed tributary to South Branch Bear Creek, classified for the following uses: WWF. TMDL: None. Application received: December 30, 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.

The outfall(s) listed below discharge to unnamed tributary to South Branch Bear Creek:

|                    |                          |
|--------------------|--------------------------|
| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
| TA1                | Y                        |
| TB                 | Y                        |
| TA2                | Y                        |

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

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 1.7                   | 3.4                  | 4.3                     |
| Manganese (mg/l)                             |                | 1.6                   | 3.2                  | 4.0                     |
| Aluminum (mg/l)                              |                | 2.0                   | 4.0                  | 5.0                     |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35                    | 70                   | 90                      |
| Osmotic Pressure (milliosmoles/kg)           |                |                       |                      | 50                      |

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to South Branch Bear Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| A                  | Y                        |
| B                  | Y                        |

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

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

*Noncoal NPDES Draft Permits*

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

**NPDES No. 0257532 (Mining permit no. 08110301), Always Ready Excavating**, RR 1 Box 91, Wyalusing, PA 18853, new NPDES permit for waste water treatment facility in Wyalusing Township, **Bradford County**, affecting 16.9 acres. Receiving stream(s): Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF. Application received: January 27, 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 noncoal mining activities.

The outfall(s) listed below discharge to: Unnamed Tributary to Wyalusing Creek

| <i>Outfall No.</i> | <i>Type of Discharge Facility (Key to A.)</i> | <i>Latitude</i> | <i>Longitude</i> |
|--------------------|---|-----------------|------------------|
| TF 1               | M.D.T.  | 41° 41' 56.8"   | 76° 14' 31.2"    |

**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**

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E39-515-. City of Allentown**, 641 South 10th Street, 3rd Floor, Allentown, PA 18103-3173, in City of Allentown, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure (Ward Street Bridge) and to construct and maintain a 65.5-foot wide two-span prestressed concrete composite bulb-tee bridge across the Little Lehigh Creek (HQ-CWF, MF), having normal spans of 138.6 feet and an underclearance of approximately 32.3 feet. The project is located on 15th Street/Ward Street near its intersection with Martin Luther King Boulevard Jr. Drive in the City of Allentown, Lehigh County. (Allentown East, PA Quadrangle, 40° 35' 27.8"; Longitude: -75° 28' 56.8").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E38-166: Cornwall Associates LP**, 530 West Trout Road, Ephrata, Pennsylvania 17522, in Cornwall Borough and West Cornwall Township, **Lebanon County**, ACOE Baltimore District

To remove existing structures and to construct and maintain: 1) a log vane structure upstream of and downstream of a 70.0-foot long, 1.0-foot depressed, 5.0-foot x 8.0-foot concrete box culvert with fish baffles and a depressed riprap apron extending 40.0 feet downstream, and an 8.0-inch, concrete encased waterline, an 8.0-inch, concrete encased sanitary sewer line, and an 18.0-inch stormwater line in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF), 2) a log cross vane structure upstream of and downstream of a 90.0-foot long, 6.0-inch depressed, 24.0-inch x 38.0-inch reinforced concrete pipe with depressed riprap aprons extending 25.0 feet upstream and 16.0 feet downstream, an 8.0-inch waterline, an 8.0-inch, concrete encased sewer line and a 24.0-inch stormwater line in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF), 3) an 8.0-inch, concrete encased waterline in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF), and 4) a 93.0-foot long, 6.0-inch depressed, 30.0-inch reinforced concrete pipe with a depressed riprap apron extending 16.0 feet downstream, an 8.0-inch waterline in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF), all for the purpose of constructing a residential community. The project is located south of the intersection of Alden Lane and Route 419 (Lebanon, PA Quadrangle; N: 4.1 inches, W: 8.2 inches; Latitude: 40°16'22", Longitude: -76°25'59") in Cornwall Borough and West Cornwall Township, Lebanon County. To compensate for wetland impacts, the permittee will provide a minimum of 1.3 acres of PEM/PSS/PFO replacement wetlands onsite.

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

**E08-475. Williams Oil & Propane, Inc.**, 44 Reuter, Towanda, PA 18848. Water Obstruction and Encroachment Joint Application, Dandy Market, in Monroe Borough, **Bradford County**, ACOE Baltimore District (Monroeton, PA Quadrangle N: 41° 43' 7"; W: 76° 28' 20").

To place fill within 0.47 acre of jurisdictional wetlands associated with Towanda Creek (Warm Water Fishery). The project is centered southeast of the intersection of SR 0414 and SR 0220 in the Village of Monroe in Bradford County.

**E18-470. Clinton County Solid Waste Authority, Wayne Township Landfill**, 264 Landfill Lane, PO Box 209, McElhattan, PA 17748, Wayne Township, **Clinton County**, ACOE Baltimore District. (Jersey Shore, PA Quadrangle (41°09'38.16"N; -77°21'33.48"W)

To construct and maintain:

1) a permanent road crossing 14 feet long using clean fill, aggregate and asphalt pavement impacting 59 square feet of a palustrine emergent wetland (PEM) wetland;

2) a permanent road crossing 125 feet long using clean fill, aggregate and asphalt pavement impacting 2883 square feet of a palustrine emergent wetland (PEM) wetland;

3) a permanent road crossing using a 55 foot long, pre-constructed concrete box culvert 12 feet wide, impacting 880 square feet of an unnamed tributary to West Branch Susquehanna River;

4) a permanent road crossing 57 feet long using clean fill, aggregate and asphalt pavement impacting 624 square feet of a palustrine emergent wetland (PEM) wetland.

The project will result in 80 linear feet of permanent stream impacts and a total of 3566 square feet (0.082 acre) of permanent wetland impacts, all for the purpose of installing a new permanent access to the Wayne Township Landfill facilities. The permit applicant plans to participate in the Pennsylvania Wetland Replacement Project.

**E41-620. Black Bear Waters, LLC**, 71 Yoder Road, Cogan Station, PA 17728-7815. Small Projects Water Obstruction and Encroachment Joint Permit, in Lewis Township, **Lycoming County**, ACOE Susquehanna River Basin District (Cogan Station, PA Quadrangle N: 41° 21' 23"; W: -77° 4' 48").

To construct and maintain a submerged intake within Lycoming Creek. The proposed project is located off Upper Powy's Road in Lewis Township, Lycoming County. There are no proposed wetland impacts.

**E41-621. Transcontinental Gas Pipe Line, LLC**, 2800 Post Oak Blvd, Suite 900, Houston, TX 77056-6147. Water Obstruction and Encroachment Joint Application, Muncy Loop, in Wolf and Penn Townships, **Lycoming County**, ACOE Baltimore District (Picture Rocks, PA Quadrangle N: 41° 16' 7.8"; W: 76° 41' 24").

To construct, operate and maintain 2.22 miles of 42 inch diameter natural gas pipeline within the West Branch of the Susquehanna River watershed (Warm Water Fishery). Construction of the pipeline loop will require eight (8) water body crossings. The project is centered approximately 1 mile south of the Village of Picture Rocks in Lycoming County.

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

**E25-743, Erie Sand & Gravel**, 2 East Bay Drive, PO Box 179, Erie, PA 16512-0179. Erie Sand & Gravel Commercial Dredging Operations in Lake Erie, ACOE Pittsburgh District (N: 41°, 14', 12"; W: 80°, 19', 00").

To conduct commercial dredging operation in Lake Erie within an area measuring 19.6 square miles in Lake Erie approximately 7 to 16 miles off shore northwest of Presque Isle, in the Commonwealth of Pennsylvania. Activity was previously conducted under DEP Permit No. E24-041A originally issued April 7, 1987, and expired December 31, 2010.

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

**E4129-032: Anadarko Marcellus Midstream, LLC**, 633 West Third St., Suite 200, Williamsport, PA 17701, Watson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) three six inch natural gas pipelines, two 12 inch waterlines, and one electric/fiber optic line impacting 48 linear feet of Lower Pine Bottom Run (HQ-CWF,MF) and 2080 square feet of adjacent palustrine emergent (PEM) and palustrine scrub-shrub (PSS) wetlands (Jersey Mills PA Quadrangle 41°16'39"N 77°24'51"W),

2) three six inch natural gas pipelines, two 12 inch waterlines, and one electric/fiber optic line impacting 1430 square feet of palustrine emergent (PEM) wetland (Jersey Mills PA Quadrangle 41°16'39"N 77°24'49"W).

The project will result in 48 linear feet of temporary stream impacts and 0.08 acre of temporary wetland impacts all for the purpose of installing water and natural gas pipelines for Marcellus well development.

**E4129-025: Anadarko E&P Company LP**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Lewis Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

a surface water withdrawal along Lycoming Creek (EV) (Bodines Quadrangle 41°26'12"N 76°59'35"W). The proposed withdrawal will include two submersible pumps with related materials buried beneath the stream bed. The project will result in 592 square feet of stream impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

**E4129-031: Southwestern Energy Company**, 917 State Route 92 North, Tunkhannock, PA 18657, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 18 inch culvert impacting 20 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'00"N 77°09'24"W),

2) one 60 inch culvert impacting 55 linear feet of Flicks Run (EV) and 125 square feet of adjacent palustrine forested (PFO) wetland (White Pine PA Quadrangle 41°27'17"N 77°09'33"W),

3) one 30 inch culvert impacting 25 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'21"N 77°09'32"W),

4) one 42 inch culvert impacting 40 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'31"N 77°09'44"W),

5) one 30 inch culvert impacting 30 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'34"N 77°09'50"W),

6) one 54 inch culvert impacting 30 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'38"N 77°09'53"W),

7) one 42 inch culvert impacting 35 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'39"N 77°09'56"W),

8) one 24 inch culvert impacting 30 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°27'44"N 77°10'05"W),

9) one 30 inch culvert impacting 10 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°28'06"N 77°10'15"W),

10) one 42 inch culvert impacting 65 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°28'08"N 77°10'18"W),

11) one 30 inch culvert impacting 80 linear feet of an unnamed tributary to Flicks Run (EV) (White Pine PA Quadrangle 41°28'15"N 77°09'50"W),

12) fill from a permanent access road impacting 550 square feet of a palustrine emergent (PEM) wetland (White Pine PA Quadrangle 41°28'12"N 77°09'14"W).

The project will result in 420 linear feet of stream impacts and 0.02 acre of wetland impacts all for the purpose of installing an access road to multiple Marcellus well sites.

**E5929-004: SWEPI LP, L.L.C.**, 190 Thorn Hill Road, Warrendale, PA 15086, Union and Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a 20 foot long, 48 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing Sugar Works Run (HQ-CWF) impacting 212 linear feet (Ralston, PA Quadrangle 41°36'06"N 76°56'12"W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing unnamed tributary to Sugar Works Run (HQ-CWF) impacting 69 linear feet (Ralston, PA Quadrangle 41°36'03"N 76°56'21"W);

3) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Sugar Works Run (HQ-CWF) impacting 66 linear feet (Ralston, PA Quadrangle 41°36'04"N 76°56'38"W);

4) a temporary road crossings using 20 foot long, 39 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing Mill Creek (HQ-CWF) impacting 152 linear feet (Ralston, PA Quadrangle 41°36'06"N 76°57'27"W);

5) a temporary road crossing using two 20 foot long, 24 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to West Mill Creek (HQ-CWF) impacting 208 linear feet (Ralston, PA Quadrangle 41°36'02"N 76°58'18"W);

6) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to West Mill Creek (HQ-CWF) impacting 69 linear feet (Ralston, PA Quadrangle 41°35'35"N 76°58'48"W);

7) a 16 inch diameter and an 8 inch diameter natural gas gathering line crossing, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing West Mill Creek (HQ-CWF) impacting 52 linear feet (Ralston, PA Quadrangle 41°35'34"N 76°58'50"W);



8) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to French Lick Run (EV) impacting 131 linear square feet (Ralston, PA Quadrangle 41°35'30"N 76°58'54"W);

9) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing French Lick Run (EV) impacting 196 linear feet (Ralston, PA Quadrangle 41°35'00"N 76°59'26"W);

10) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to French Lick Run (EV) impacting 175 linear feet (Ralston, PA Quadrangle 41°34'49"N 76°59'38"W);

11) two temporary road crossings using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Salt Spring Run (EV) impacting 247 linear feet (Liberty, PA Quadrangle 41°34'22"N 77°00'22"W);

12) a temporary road crossing using a 20 foot long, 48 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing Salt Spring Run (EV) impacting 172 linear feet (Liberty, PA Quadrangle 41°34'21"N 77°00'45"W);

13) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Salt Spring Run (EV) impacting 82 linear feet (Liberty, PA Quadrangle 41°34'09"N 77°01'26"W);

14) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Brion Creek (EV) impacting 33 linear feet (Liberty, PA Quadrangle 41°33'45"N 77°01'16"W);

15) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Brion Creek (EV) impacting 216 linear feet (Liberty, PA Quadrangle 41°33'32"N 77°01'26"W);

16) two temporary road crossings using a 20 foot long, 18 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Brion Creek (EV) impacting 185 linear feet (Liberty, PA Quadrangle 41°33'10"N 77°02'13"W);

17) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Brion Creek (EV) impacting 64 linear feet (Liberty, PA Quadrangle 41°33'08"N 77°02'11"W);

18) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary to Salt Spring Run (EV) impacting 24 linear feet (Liberty, PA Quadrangle 41°34'23"N 77°00'46"W);

19) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent and palustrine scrub-shrub (PEM/PSS) wetland impacting 781 square feet (Ralston, PA Quadrangle 41°36'08"N 76°56'03"W);

20) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 787 square feet (Ralston, PA Quadrangle 41°36'06"N 76°56'11"W);

21) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 268 square feet (Ralston, PA Quadrangle 41°36'03"N 76°56'21"W);

22) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 4,957 square feet (Ralston, PA Quadrangle 41°36'02"N 76°56'26"W);

23) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 4,020 square feet (Ralston, PA Quadrangle 41°36'03"N 76°56'30"W);

24) a temporary road crossing using a wood mat bridge crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 1,068 square feet (Ralston, PA Quadrangle 41°36'03"N 76°56'34"W);

25) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 174 square feet (Ralston, PA Quadrangle 41°36'05"N 76°57'21"W);

26) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 122 square feet (Ralston, PA Quadrangle 41°36'06"N 76°57'22"W);

27) two temporary road crossings using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent/palustrine forested (EV-PEM/PFO) wetland impacting 10,305 square feet (Ralston, PA Quadrangle 41°36'07"N 76°57'25"W);

28) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 1,109 square feet (Ralston, PA Quadrangle 41°36'06"N 76°57'28"W);

29) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 2,109 square feet (Ralston, PA Quadrangle 41°36'09"N 76°57'30"W);

30) a temporary road crossing using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 434 square feet (Ralston, PA Quadrangle 41°36'14"N 76°57'34"W);

31) three temporary road crossings using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 2,680 square feet (Ralston, PA Quadrangle 41°36'05"N 76°58'08"W);

32) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 830 square feet (Ralston, PA Quadrangle 41°35'09"N 76°59'03"W);

33) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 2,273 square feet (Ralston, PA Quadrangle 41°35'01"N 76°59'24"W);

34) a temporary road crossing using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 527 square feet (Ralston, PA Quadrangle 41°34'59"N 76°59'29"W);

35) two temporary road crossings using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 4,998 square feet (Ralston, PA Quadrangle 41°34'33"N 77°00'00"W);

36) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 10,565 square feet (Liberty, PA Quadrangle 41°34'33"N 77°00'03"W);

37) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6

inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent/palustrine scrub-shrub (EV-PEM/PSS) wetland impacting 4,604 square feet (Liberty, PA Quadrangle 41°34'22"N 77°00'36"W);

38) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 466 square feet (Liberty, PA Quadrangle 41°34'21"N 77°00'47"W);

39) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine scrub-shrub (PSS) wetland impacting 4,696 square feet (Liberty, PA Quadrangle 41°34'16"N 77°01'15"W);

40) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 1,814 square feet (Liberty, PA Quadrangle 41°34'10"N 77°01'27"W);

41) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 294 square feet (Liberty, PA Quadrangle 41°34'09"N 77°01'27"W);

42) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 1,795 square feet (Liberty, PA Quadrangle 41°33'12"N 77°02'16"W);

43) two temporary road crossings using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 2,293 square feet (Liberty, PA Quadrangle 41°33'06"N 77°02'09"W);

44) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 54 square feet (Liberty, PA Quadrangle 41°33'03"N 77°02'07"W);

45) a temporary road crossing using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 1,412 square feet (Liberty, PA Quadrangle 41°33'06"N 76°02'03"W);

46) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 1,243 square feet (Liberty, PA Quadrangle 41°32'59"N 77°02'01"W).

The project will result in 2,353 linear feet of temporary stream impacts, a total of 62,395 square feet (1.43 acres)

of temporary wetland impacts, and a total of 4,283 square feet (0.098 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh water line, fiber optic cable, and associated access roadways.

**E4129-033: Chief Gathering LLC**, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Jordan Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one six inch natural gas pipeline and a timber mat bridge impacting 84 linear feet of an unnamed tributary to Little Muncy Creek (CWF,MF) and 3891 square feet of adjacent palustrine emergent (PEM) wetlands (Lairdsville PA Quadrangle 41°14'33"N 76°32'05"W).

The project will result in 84 linear feet of temporary stream impacts and 0.09 acre of temporary wetland impacts all for the purpose of installing natural gas pipeline and associated roadways for Marcellus well development.

**E4129-005: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Jackson and McIntyre Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary (UNT) to Brion Creek (EV) impacting 63 linear feet (Liberty, PA Quadrangle 41°32'49"N 77°01'56"W);

2) a temporary road crossing using a 20 foot long, 60 inch diameter corrugated metal pipes, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing Roaring Branch (EV) impacting 181 linear feet (Liberty, PA Quadrangle 41°32'36"N 77°01'29"W);

3) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary (UNT) to Red Run (HQ-CWF) impacting 123 linear feet (Liberty, PA Quadrangle 41°31'58"N 77°00'27"W);

4) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary (UNT) to Red Run (HQ-CWF) impacting 115 linear feet (Liberty, PA Quadrangle 41°31'58"N 77°00'26"W);

5) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary (UNT) to Red Run (HQ-CWF) impacting 312 linear feet (Ralston, PA Quadrangle 41°32'08"N 76°59'39"W);

6) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an unnamed tributary (UNT) to Red Run (HQ-CWF) impacting 73 linear feet (Ralston, PA Quadrangle 41°32'07"N 76°59'47"W);

7) two temporary road crossings using a wood mat bridge crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 490 square feet (Liberty, PA Quadrangle 41°32'51"N 77°01'57"W);

8) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine emergent/ palustrine forested (EV-PEM/PFO) wetland impacting 1,851 square feet (Liberty, PA Quadrangle 41°32'38"N 77°01'31"W);

9) a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 1,058 square feet (Liberty, PA Quadrangle 41°32'12"N 77°01'03"W);

10) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 1,683 square feet (Liberty, PA Quadrangle 41°32'10"N 77°01'02"W);

11) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 2,210 square feet (Liberty, PA Quadrangle 41°31'59"N 77°00'29"W);

12) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine scrub-shrub/palustrine forested (EV-PSS/PFO) wetland impacting 1,335 square feet (Liberty, PA Quadrangle 41°31'58"N 77°00'26"W);

13) a temporary road crossing using a wood mat bridge cable crossing an exceptional value palustrine scrub-shrub (EV-PSS) wetland impacting 398 square feet (Ralston, PA Quadrangle 41°31'58"N 76°59'47"W);

14) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing a palustrine scrub-shrub (PSS) wetland impacting 54 square feet (Ralston, PA Quadrangle 41°32'10"N 76°59'45"W);

15) a temporary road crossing using a wood mat bridge, a 16 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable crossing an exceptional value palustrine forested (EV-PFO) wetland impacting 2,563 square feet (Ralston, PA Quadrangle 41°32'09"N 76°59'39"W).

The project will result in 867 linear feet of temporary stream impacts, a total of 5,893 square feet (0.135 acre) of temporary wetland impacts, and a total of 5,749 square feet (0.132 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh water line, fiber optic cable, and associated access roadways.

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**ACTIONS**


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

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**I. NPDES Renewal Permit Actions**


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

| <i>NPDES No.<br/>(Type)</i>     | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>           | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|---------------------------------|---|--|--|----------------------------|
| PA0228338<br>(Sewage)           | Union Chapman Region<br>Authority Sewer System STP<br>Route 11/15<br>Port Trevorton, PA 17864 | Snyder County<br>Union Township                | Susquehanna River<br>(6-C)             | Y                          |
| PA0060305<br>(Industrial Waste) | Mt Pisgah State Park IW<br>WWTP<br>Mt Pisgah State Park<br>Troy, PA 16947-8448                | Bradford County<br>West Burlington<br>Township | Mill Creek (4-C)                       | Y                          |
| PA0209317                       | Oakridge Personal Care Home<br>34 Oakridge Lane<br>Mill Hall, PA 17751                        | Clinton County<br>Colebrook Township           | Tangascootack Creek<br>(9-B)           | Y                          |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name &amp; Address</i>   | <i>County &amp; Municipality</i>          | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-------------------------|--|---|--------------------------------------|---------------------------|
| PA0044431<br>Sewage     | Fairfield Manor, Inc. MHP<br>100 McCoy Drive<br>Bolivar, PA 15923  | Westmoreland County<br>Fairfield Township | UNT to Hendricks<br>Creek            | Y                         |
| PA0218600<br>Sewage     | Leonard SR STP<br>310 Spang Road<br>Baden, PA 15005  | Somerset County<br>Middlecreek Township   | Laurel Hill Creek                    | Y                         |
| PA0218774<br>Sewage     | Beka House STP<br>5977 Somerset Pike<br>Boswell, PA 15531  | Somerset County<br>Jenner Township        | Bens Creek                           | Y                         |
| PA0097799<br>Sewage     | Laurel Highland<br>Lauderdale, LLC STP<br>1001 Clubhouse Drive<br>Donegal, PA 15628                        | Westmoreland County<br>Donegal Township   | Minnow Run                           | Y                         |
| PA0096334<br>Sewage     | Clelian Heights School for<br>Exceptional Children STP<br>135 Clelian Heights Lane<br>Greensburg, PA 15601 | Westmoreland County<br>Hempfield Township | UNT to Beaver Run                    | Y                         |
| PA0095851<br>Sewage     | Delm Developers, LLC<br>PO Box 1010<br>Chambersburg, PA 17021  | Somerset County<br>Somerset Township      | UNT East Branch<br>Coxes Creek       | Y                         |
| PA0203793<br>Sewage     | Debevec SR STP<br>4418 Rostosky Ridge Road<br>Monongahela, PA 15063-4319                                   | Allegheny County<br>Forward Township      | Perry Mill Run                       | Y                         |
| PA0042561<br>Sewage     | Upper Stonycreek Joint<br>Municipal Authority STP<br>PO Box 24<br>Hooversville, PA 15936                   | Somerset County<br>Quemahoning Township   | Stony Creek                          | Y                         |

\*\*\*\*Renewal individuals

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

| <i>NPDES No. (Type)</i> | <i>Facility Name &amp; Address</i>  | <i>County &amp; Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-------------------------|---|----------------------------------|--------------------------------------|-----------------------------|
| PA0104167               | Chestnut Water Treatment<br>Plant 340 West Bayfront<br>Parkway, Erie, PA 16507-2004 | Erie County<br>City of Erie      | Presque Isle Bay 15                  | Y                           |

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

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

**NPDES Permit No. PA0029289-A2**, Sewage, **Brodhead Creek Regional Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301-1604.

This proposed facility is located in Stroudsburg Borough, **Monroe County**.

Description of Proposed Activity: Issuance of amended NPDES Permit for the removal of a stormwater outfall.

**NPDES Permit No. PA0062774**, Industrial Waste, SIC Code 5541, **Pilot Corp Travel Centers, LLC**, PO Box 10146, Knoxville, TN 37939-0146.

This existing facility is located in Sugarloaf Township, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for the discharge of treated Industrial Waste (stormwater) from existing Outfall 001 and proposed Outfall 002.

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

**NPDES Permit No. PA0008591**, Industrial Waste, SIC Code 2631, **NGC Industries, LLC**, PO Box 210, West Milton, PA 17886.

This existing facility is located in White Deer Township, **Union County**.

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

**NPDES Permit No. PA0009024**, Industrial Waste, SIC Code 3339, **Global Tungsten & Powders Corp**, Hawes Street, Towanda, PA 18848.

This existing facility is located in North Towanda Township, **Bradford County**.

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

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814-332-6942.*

**PA0002143**, Industrial Waste, SIC Codes 2611 & 2621, **Domtar Paper Co. LLC**, 100 Center Street, Johnsonburg, PA 15845-1301. Facility Name: Domtar Johnsonburg Mill. This existing facility is located in Johnsonburg Borough, **Elk County**.

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

The receiving stream(s), Clarion River (Outfall 002 & Suboutfall 202), West Branch Clarion River (Outfall 102), East Branch Clarion River (Outfalls 003 & 004) and Riley Run (Outfall 001), are located in State Water Plan watershed 17-A and are classified for cold water fishes (Clarion River & West Branch Clarion River), high quality cold water fishes (East Branch Clarion River), warm water fishes (Riley Run), aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 13.21 MGD.

| <i>Parameters</i>            | <i>Mass (lb/day)</i> |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------------|----------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                              | <i>Daily Average</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Daily Average</i>        | <i>Daily Maximum</i> |                         |
| Flow (MGD)                   | Report               | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)                    | XXX                  | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Color (Pt-Co Units)          | XXX                  | XXX                  | XXX            | XXX                         | 736                  | 920                     |
| Temperature (MBTUs/day) (°F) |                      |                      |                |                             |                      |                         |
| Jan 1-31                     | 7890                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Feb 1-29                     | 8010                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Mar 1-31                     | 7450                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Apr 1-15                     | 7360                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Apr 16-30                    | 6760                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| May 1-15                     | 6170                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| May 16-31                    | 6080                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Jun 1-15                     | 5990                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Jun 16-30                    | 5670                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Jul 1-31                     | 5590                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Aug 1-15                     | 5500                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Aug 16-31                    | 5290                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Sep 1-15                     | 5350                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Sep 16-30                    | 5410                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Oct 1-15                     | 6580                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Oct 16-31                    | 6810                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Nov 1-15                     | 7040                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Nov 16-30                    | 7360                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| Dec 1-31                     | 7870                 | XXX                  | XXX            | Report                      | XXX                  | XXX                     |
| BOD <sub>5</sub>             | 10545                | 19400                | XXX            | 90                          | XXX                  | 225                     |
|                              | Avg Mo               |                      |                | Avg Mo                      |                      |                         |
| Total Suspended Solids       | 15360                | 29161                | XXX            | Report                      | XXX                  | 349                     |
|                              | Avg Mo               |                      |                | Avg Mo                      |                      |                         |
| Dioxin (pg/L)                | XXX                  | XXX                  | XXX            | 0.09                        | XXX                  | 0.22                    |
|                              | Ave Mo               |                      |                | Avg Mo                      |                      |                         |
| Adsorbable Organic Halides   | 939                  | 1433                 | XXX            | XXX                         | XXX                  | XXX                     |
|                              | Avg Mo               |                      |                |                             |                      |                         |

The proposed effluent limits for Suboutfall 202 are based on a design flow of 2.51 MGD.

| <i>Parameters</i>                | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                                  | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)                       | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| Chloroform                       | 6.2                    | 10.4                 | XXX            | XXX                         | XXX                  | XXX                     |
| Dioxin (pg/L)                    | XXX                    | XXX                  | XXX            | XXX                         | 10                   | XXX                     |
| 2,3,7,8-TCDF (pg/L)              | XXX                    | XXX                  | XXX            | XXX                         | 31.9                 | XXX                     |
| 3,4,5-Trichlorocatechol (µg/L)   | XXX                    | XXX                  | XXX            | XXX                         | 5                    | XXX                     |
| 2,4,5-Trichlorophenol (µg/L)     | XXX                    | XXX                  | XXX            | XXX                         | 2.5                  | XXX                     |
| Pentachlorophenol (µg/L)         | XXX                    | XXX                  | XXX            | XXX                         | 5                    | XXX                     |
| 2,3,4,6-Tetrachlorophenol (µg/L) | XXX                    | XXX                  | XXX            | XXX                         | 2.5                  | XXX                     |
| 3,4,6-Trichlorocatechol (µg/L)   | XXX                    | XXX                  | XXX            | XXX                         | 5                    | XXX                     |
| 3,4,5-Trichloroguaiacol (µg/L)   | XXX                    | XXX                  | XXX            | XXX                         | 2.5                  | XXX                     |

| Parameters                     | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|--------------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                                | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum |                     |
| 3,4,6-Trichloroguaiacol (µg/L) | XXX                | XXX              | XXX     | XXX                  | 2.5              | XXX                 |
| 4,5,6-Trichloroguaiacol (µg/L) | XXX                | XXX              | XXX     | XXX                  | 2.5              | XXX                 |
| 2,4,6-Trichlorophenol (µg/L)   | XXX                | XXX              | XXX     | XXX                  | 2.5              | XXX                 |
| Tetrachlorocatechol (µg/L)     | XXX                | XXX              | XXX     | XXX                  | 5                | XXX                 |
| Tetrachloroguaiacol (µg/L)     | XXX                | XXX              | XXX     | XXX                  | 5                | XXX                 |
| Trichlorosyringol (µg/L)       | XXX                | XXX              | XXX     | XXX                  | 2.5              | XXX                 |

The proposed effluent limits for Outfalls 001, 102, 003 & 004 are based on a design flow of N/A MGD.

The discharge(s) shall be composed entirely of non-polluting stormwater

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

- Solid Waste Disposal
- Chemical Additives
- Stormwater
- Chloroform Certification
- Best Management Practices
- 2° Temperature Rise
- Control of Stormwater Runoff
- 316(a) Thermal Variance Verification
- Monitoring Waiver (for Suboutfall 202 parameters)
- Water Quality Based Effluent Limits at or Below Detection Limits—Dioxin (Outfall 002)
- eDMR Reporting Requirement

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

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

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*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-3636.*

**WQM Permit No. WQG02171104**, SIC Code 4952, **Woodward Township Sewage & Water Authority**, PO Box 6, Houtzdale, PA 16651-0006.

This proposed facility is located in Woodward Township, **Clearfield County**.

Description of Proposed Action/Activity: The Authority is seeking coverage under a WQG02 for a proposed pump station and force main in Woodward Township, Clearfield County.

**WQM Permit No. WQG02171105**, SIC Code 4952, **Woodward Township Sewage & Water Authority**, PO Box 6, Houtzdale, PA 16651-0006.

This proposed facility is located in Gulich Township, **Clearfield County**.

Description of Proposed Action/Activity: The Authority is seeking coverage under a WQG02 for a proposed pump station in Gulich Township, Clearfield County.

**WQM Permit No. WQG02171103**, SIC Code 4952, **Troutville Borough**, 130 Grant Street, Troutville, PA 15866.

This proposed facility is located in Troutville Borough, **Clearfield County**.

Description of Proposed Action/Activity: Troutville Borough is seeking coverage under a WQG02 for a proposed pump station and sewer extension in Troutville Borough, Clearfield County.

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

**WQM Permit No. 0379404-A1**, Sewerage, **West Hills Area Water Pollution Control authority**, 257 Linde Road, Kittanning, PA 16201

This existing facility is located in North Buffalo Township, **Armstrong County**

Description of Proposed Action/Activity: Permit amendment issuance.

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i>            |
|-------------------------|---|---------------|-----------------------|---------------------------------------|
| PAI01<br>1506026-R      | Phillips Mushroom Farms, LP<br>1011 Kaolin Road<br>PO Box 190<br>Kennett Square, PA 19348 | Chester       | Lower Oxford Township | West Branch Big Elk Creek (HQ-TSF-MF) |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>      |
|-------------------------|--|---------------|---------------------|---------------------------------|
| PAI026411002            | Wesley Doss<br>390 Nelson Road<br>Monroe, NY 10950 | Wayne         | Paupack Twp.        | Wallenpaupack Creek, HQ-CWF, MF |

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 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 (PAR)  |
| 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   |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application   |
| PAG-8       | General Permit for Beneficial Use of Nonexceptional 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      | CAFOs  |
| PAG-13      | Stormwater Discharges from MS4   |

#### *General Permit Type—PAG-02*

##### *Facility Location:*

| <i>Municipality &amp; County</i>                                 | <i>Permit No.</i>    | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>  | <i>Contact Office &amp; Phone No.</i>   |
|--|----------------------|---|---|---|
| Newtown Township<br>Bucks County                                 | PAG0200<br>0906018-R | Toll PA VIII, LP<br>250 Gibraltar Road<br>Horsham, PA   | Unnamed Tributary<br>Neshaminy Creek<br>(WWF-MF)                                | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Lower Southampton<br>and Middletown<br>Townships<br>Bucks County | PAG0200<br>0911059   | PA Department of<br>Transportation<br>District 6-0<br>7000 Geerdes Boulevard<br>King of Prussia, PA<br>19406-1525 | Neshaminy Creek<br>(WWF-MF)   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Richland Township<br>Quakertown<br>Borough<br>Bucks County       | PAG0200<br>0911072   | Richland Township<br>Water Auth<br>1328 California Road,<br>Suite D<br>Quakertown, PA<br>18951-4517               | Unnamed Tributary<br>Beaver Run, Tributary<br>to Tohickon Creek<br>(TSF-MF-WWF) | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |



| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>   | <i>Permit No.</i>    | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>  | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|----------------------|---|---|---|
| Lower Providence Township<br>Montgomery County                | PAG0200<br>4611070   | Dave Geiger<br>320 Century Boulevard<br>Wilmington, DE 19808                              | Unnamed Tributary<br>Schuylkill River (WWF)   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Limerick Township<br>Montgomery County                        | PAG0200<br>4606138-R | Vincent Piazza<br>401 South Schuylkill<br>Avenue<br>Norristown, PA 19401                  | Unnamed Tributary<br>Schuylkill River (WWF)   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| East Norriton Township<br>Montgomery County                   | PAG0200<br>4609087-R | Kenneth Lewis<br>2808 Three Mile<br>Run Road<br>Perkasie, PA 18944                        | Stony Creek (TSF)   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Media Borough<br>Nether Providence Twp<br>Delaware County     | PAG0200<br>2311016   | Pinnacle Hospitality<br>Group, LLC<br>18 West Olive Street<br>Westville, NJ 08093         | Dick's Run/Crum Creek<br>(WWF)  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Hanover Twp.,<br>Lehigh County                                | PAG02003911001       | Fred Iannotta<br>Business Aerotech<br>East Corp.<br>964 Postal Rd.<br>Allentown, PA 18109 | Unnamed Tributary to<br>Lehigh River, TSF, MF   | Lehigh Co.<br>Cons. Dist.<br>610-391-9583   |
| Forest Lake Twp.<br>Middletown Twp.,<br>Susquehanna<br>County | PAG02005811004       | Pennsy Supply, Inc.<br>P. O. Box 3331<br>Harrisburg, PA 17105                             | Unnamed Trib. to<br>Middle Branch<br>Wyalusing Creek,<br>CWF, MF;<br>Middle Branch<br>Wyalusing Creek,<br>CWF, MF | Susquehanna Co.<br>Cons. Dist.<br>570-278-4600  |

*Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>   | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>               | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|--|---|
| State College Borough<br>Centre County                        | PAG02001410023(1) | Jason Mitchell<br>J.C. Bar<br>Development LLC<br>3100 Market St<br>Camp Hill PA 17011              | Slab Cabin Run<br>CWF, MF                      | Centre County<br>Conservation District<br>414 Holmes Ave Suite 4<br>Bellefonte PA 16823<br>Phone: (814) 355-6817        |
| Gulich & Woodward Townships<br>Clearfield County              | PAG02001711014    | Woodward Township<br>Sewage & Water Auth<br>PO Box 6<br>Houtzdale PA 16651                         | Beaver & Whiteside Run<br>CWF                  | Clearfield County<br>Conservation District<br>511 Spruce St Ste 6<br>Clearfield PA 16830<br>Phone: (814) 765-2629       |
| Sandy Township<br>Clearfield County                           | PAG02001711015    | RAMA TIKA<br>Developers LLC<br>719 Earick Rd<br>Mansfield OH 44903                                 | Beaver Run CWF                                 | Clearfield County<br>Conservation District<br>511 Spruce St Ste 6<br>Clearfield PA 16830<br>Phone: (814) 765-2629       |
| Jersey Shore Borough<br>Nippenose Township<br>Lycoming County | PAG02004111025    | David Keister<br>Tiadaghton Valley<br>Municipal Authority<br>232 Smith St<br>Jersey Shore PA 17740 | UNT to West Branch<br>Susquehanna River<br>WWF | Lycoming County<br>Conservation District<br>542 County Farm Rd<br>Suite 202<br>Montoursville PA 17754<br>(570) 433-3003 |

*Facility Location:  
Municipality &  
County*

Delaware & Turbot  
Townships,  
Milton &  
Watsonstown  
Boroughs  
Northumberland  
County

*Permit No.*

PAG02004910016(1)

*Applicant Name &  
Address*

Delaware Township  
Municipal Authority  
PO Box 80  
Dewart PA 17730

*Receiving  
Water/Use*

West Branch  
Susquehanna River,  
UNT to West Branch  
of Susquehanna River,  
Dry Run, Warrior Run,  
Muddy Run, Spring/  
Tannery Run &  
Limestone Run (All)  
WWF, MF

*Contact Office &  
Phone No.*

Northumberland Cnty  
Conservation Dist  
441 Plum Creek Rd  
Sunbury PA 17801  
(570) 286-7114 Ext. 4

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

*Facility Location:  
Municipality &  
County*

Somerset County  
Somerset Township

*Permit No.*

PAG05005611009

*Applicant Name &  
Address*

Maust Excavating, Inc.  
451 Stoystown Road  
Suite 106  
Somerset, PA 15501

*Receiving  
Water/Use*

UNT to Kimberly  
Run-(CWF)

*Contact Office and  
Phone No.*

Somerset County CD  
6024 Glades Pike  
Suite 103  
Somerset, PA 15501 (814)  
445-4352

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

Coal Township  
Northumberland  
County

*Permit No.*

PAR114818

*Applicant Name &  
Address*

Shamokin Filler Co., Inc.  
P. O. Box 568  
Shamokin, PA 17872

*Receiving  
Water/Use*

Carbon Run—6-B

*Contact Office &  
Phone No.*

DEP Northcentral  
Regional Office  
Water Management  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

Buffalo Township  
Union County

*Permit No.*

PAR324807

*Applicant Name &  
Address*

Playworld Systems, Inc.  
2244 Buffalo Road  
Lewisburg, PA  
17837-7725

*Receiving  
Water/Use*

Unnamed Tributary to  
Limestone Run—10-C

*Contact Office &  
Phone No.*

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

Buffalo Township  
Union County

*Permit No.*

PAR324806

*Applicant Name &  
Address*

Playworld Systems, Inc.  
1000 Buffalo Road  
Lewisburg, PA  
17837-9702

*Receiving  
Water/Use*

UNT to Buffalo  
Creek—10-C

*Contact Office &  
Phone No.*

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664

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

*Facility Location:  
Municipality &  
County*

Fairview Township  
Erie County

*Permit No.*

PAR208320

*Applicant Name &  
Address*

Erie Bronze &  
Aluminum Company  
6300 West Ridge Road  
Erie, PA 16506-1021

*Receiving  
Water/Use*

Municipal storm sewers  
to Walnut Creek 15

*Contact Office &  
Phone No.*

DEP NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-4*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>       | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>            | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------------|---|---|--|
| Perry County /<br>Buffalo Township                          | PAG043562<br>(transfer) | Marc Lamond<br>1545 Bucks Valley Road<br>Newport, PA 17074                      | Bucks Run / 6-C                             | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707  |
| Litchfield Township<br>Bradford County                      | PAG045278               | Litchfield Township<br>Bradford County<br>1773 Lee Road<br>Sayre, PA 18840-9335 | Unnamed Tributary to<br>Satterlee Creek—4-B | DEP Northcentral<br>Regional Office<br>Clean Water Program<br>208 W Third Street<br>Suite 101,<br>Williamsport, PA<br>17701-6448<br>570.327.3664 |

*General Permit Type—PAG 07*

| <i>Facility Location<br/>County &amp; Municipality</i> | <i>Permit #</i> | <i>Applicant Name &amp;<br/>Address</i>                            | <i>Receiving Stream Body<br/>of Water or Site<br/>Name &amp; Address</i> | <i>Contact Office &amp;<br/>Phone #</i>                                      |
|--|-----------------|--|--|--|
| 3501 Asiatic Ave<br>Baltimore, MD 21226                | PAG079910       | Synagro-WWT, Inc.<br>8201 Eastern Boulevard<br>Baltimore, MD 21224 | Out of state   | BWQP RCSOB<br>400 Market Street<br>Harrisburg, PA<br>17105<br>(717) 787-5017 |

*General Permit Type—PAG-10*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                                     | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|---|----------------------------------|--|
| West Burlington<br>Township<br>Bradford County              | PAG104828         | Northern Tier Solid<br>Waste Authority<br>PO Box 10<br>Burlington, PA 18814 | Mill Creek—4-C                   | DEP Northcentral<br>Regional Office Clean<br>Water Program<br>208 W Third Street<br>Suite 101,<br>Williamsport, PA<br>17701-6448<br>570.327.3664 |

*General Permit Type—PAG-12*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>                                       |
|---|-------------------|--|----------------------------------|---|
| Reading Township<br>Adams County                            | PAG123721         | Denise Staub Denise &<br>Dennis Staub Farm<br>352 Fleshman Mill Road<br>New Oxford, PA 17350 | UNT to Markel Run /<br>WWF       | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |
| Conewago Township<br>Dauphin County                         | PAG123720         | Clifford Zimmerman<br>2993 Mill Road<br>Elizabethtown, PA 17022                              | UNT to Brills Run / TSF          | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |
| Mount Joy<br>Township<br>Lancaster County                   | PAG123626         | James Hershey<br>Hershey Farms<br>338 Sunnyburn Road<br>Elizabethtown, PA<br>17022-9664      | Little Chickies Creek /<br>TSF   | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |
| Rapho Township<br>Lancaster County                          | PAG123722         | Jay Rohrer<br>Hidden Acres Farms<br>2115 Rohrer Road<br>Manheim, PA 17545                    | UNT Chickies Creek /<br>WWF      | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |

*Facility Location:  
Municipality &  
County*Union Township  
Lebanon County*Permit No.*

PAG123719

*Applicant Name &  
Address*Marlin Sensenig  
114 Huckleberry Road  
Jonestown, PA 17038*Receiving  
Water / Use*

Swatara Creek / WWF

*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**CAFO PUBLIC NOTICE SPREADSHEET**

| <i>Agricultural Operation<br/>Name and Address</i>                         | <i>County</i> | <i>Total<br/>Acres</i>                   | <i>AEU's</i>                            | <i>Animal<br/>Type</i> | <i>Special Protection<br/>Waters (HQ or<br/>EV or NA)</i> | <i>Approved or<br/>Disapproved</i> |
|--|---------------|--|---|------------------------|---|------------------------------------|
| Jason Fox<br>15629 Trough Creek<br>Valley Pike<br>Huntingdon, PA 16652     | Huntingdon    | 457.4 acres<br>for manure<br>application | 602.46<br>AEU's<br><br>1.32<br>AEU's/ac | Swine                  | Not Applicable  | Approved                           |
| Thomas Zartman<br>820 Hilltop Rd<br>Ephrata, PA 17522                      | Lancaster     | 700                                      | 625.95                                  | Swine                  | NA  | A                                  |
| Chick Valley Farm<br>Joel Fry<br>1170 Breneman Rd<br>Conestoga, PA 17516   | Lancaster     | 74                                       | 204.66                                  | Pullets                | NA  | A                                  |
| Doug Wolgemuth<br>2914 Orchard Rd<br>Mount Joy, PA 17552                   | Lancaster     | 951.9                                    | 1229.05                                 | Poultry/<br>Swine      | NA  | A                                  |
| Frey Dairy Farms<br>J. Thomas Frey<br>2746 River Rd<br>Conestoga, PA 17516 | Lancaster     | 748.5                                    | 1865.03                                 | Dairy                  | HQ  | A                                  |

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

| <i>Agricultural Operation<br/>Name and Address</i>                                | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units</i> | <i>Animal<br/>Type</i> | <i>Special Protection<br/>Waters (HQ or<br/>EV or NA)</i> | <i>Approved /<br/>Disapproved</i> |
|---|---------------|------------------------|--|------------------------|---|-----------------------------------|
| David Rowe<br>Rowe Family Farm<br>216 Pawling Station Rd<br>Selinsgrove, PA 17870 | Snyder        | 117.0                  | 557.08                                 | Swine &<br>Poultry     | N/A   | Approved                          |

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 1511520**, Public Water Supply.

|                            |  |
|----------------------------|--|
| Applicant                  | <b>Aqua Pennsylvania, Inc.</b><br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010 |
| Township                   | Schuylkill   |
| County                     | <b>Chester</b>   |
| Type of Facility           | PWS  |
| Consulting Engineer        | CET Engineering Services<br>1240 North Mountain Road<br>Harrisburg, PA 17112       |
| Permit to Construct Issued | February 1, 2012   |

**Permit No. 1511522**, Public Water Supply.

|                     |  |
|---------------------|--|
| Applicant           | <b>Aqua Pennsylvania, Inc.</b><br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010 |
| Township            | East Brandywine  |
| County              | <b>Chester</b>   |
| Type of Facility    | PWS  |
| Consulting Engineer | Aqua Pennsylvania, Inc.<br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010        |

|                            |                  |
|----------------------------|------------------|
| Permit to Construct Issued | February 1, 2012 |
|----------------------------|------------------|

**Permit No. 0911549**, Public Water Supply.

|                     |   |
|---------------------|---|
| Applicant           | <b>Green Top Mobile Home Park</b><br>P. O. Box 677<br>Morgantown, PA 19543  |
| Township            | West Rockhill   |
| County              | <b>Bucks</b>  |
| Type of Facility    | PWS   |
| Consulting Engineer | ACT ONE Consultants, Inc.<br>200 S. 4th Street<br>Harrisburg, PA 17111-2276 |

|                            |                  |
|----------------------------|------------------|
| Permit to Construct Issued | January 31, 2012 |
|----------------------------|------------------|

**Permit No. 0911543**, Public Water Supply.

|                     |   |
|---------------------|---|
| Applicant           | <b>Trumbauersville Borough</b><br>Trumbauersville |
| Borough             | Trumbauersville                                   |
| County              | <b>Bucks</b>                                      |
| Type of Facility    | PWS   |
| Consulting Engineer | Cowan Associates, Inc.<br>Quakertown, PA 18951    |

|                            |                  |
|----------------------------|------------------|
| Permit to Construct Issued | February 1, 2012 |
|----------------------------|------------------|

**Permit No. 0911544**, Public Water Supply.

|                     |  |
|---------------------|--|
| Applicant           | <b>Aqua Pennsylvania, Inc.</b><br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010 |
| Township            | New Britain  |
| County              | <b>Chester</b>   |
| Type of Facility    | PWS  |
| Consulting Engineer | Aqua Pennsylvania, Inc.<br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010        |

|                            |                  |
|----------------------------|------------------|
| Permit to Construct Issued | February 1, 2012 |
|----------------------------|------------------|

**Permit No. 0911551**, Public Water Supply.

|                     |  |
|---------------------|--|
| Applicant           | <b>Aqua Pennsylvania, Inc.</b><br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010 |
| Borough             | New Britain  |
| County              | <b>Bucks</b>   |
| Type of Facility    | PWS  |
| Consulting Engineer | CET Engineering Services<br>1240 Mountain Road<br>Harrisburg, PA 17112             |

|                            |                  |
|----------------------------|------------------|
| Permit to Construct Issued | January 31, 2012 |
|----------------------------|------------------|

**Permit No. 0911569**, Public Water Supply.

|                     |   |
|---------------------|---|
| Applicant           | <b>Upper Makefield Township</b><br>Upper Makefield            |
| Township            | Upper Makefield   |
| County              | <b>Bucks</b>  |
| Type of Facility    | PWS   |
| Consulting Engineer | CKS Engineers, Inc.<br>88 Main Street<br>Doylestown, PA 18901 |

|  |   |  |   |
|--|---|--|---|
| Permit to Construct Issued                       | February 3, 2012  | Township   | Hatfield  |
| <b>Permit No. 0911573</b> , Public Water Supply. |   | County   | <b>Montgomery</b>   |
| Applicant  | <b>Durham Village Residents Association</b><br>P. O. Box 33<br>Buckingham, PA 18912 | Type of Facility   | PWS   |
| Borough  | Buckingham  | Consulting Engineer  | Keystone Consulting Engineers, Inc.<br>433 East Broad Street<br>Bethlehem, PA 18018   |
| County   | <b>Bucks</b>  | Permit to Construct Issued   | January 31, 2012  |
| Type of Facility                                 | PWS   | <b>Permit No. 4611524</b> , Public Water Supply.   |   |
| Consulting Engineer                              | Tarson, LLC<br>150 A Love Road<br>Reading, PA 19607                                 | Applicant  | <b>Green Hill Mobile Home Park</b><br>P. O. Box 677<br>Morgantown, PA 19543   |
| Permit to Construct Issued                       | January 31, 2012  | Township   | Malborough  |
| <b>Permit No. 4611512</b> Public Water Supply.   |   | County   | <b>Montgomery</b>   |
| Applicant  | <b>Aqua Pennsylvania, Inc.</b><br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010  | Type of Facility   | PWS   |
| Borough  | Perkiomen   | Consulting Engineer  | ACT ONE Consultants, Inc.<br>200 S. 4th Street<br>Harrisburg, PA 17111-2276   |
| County   | <b>Montgomery</b>   | Permit to Construct Issued   | February 1, 2012  |
| Type of Facility                                 | PWS   | <b>Permit No. 4611524</b> , Public Water Supply.   |   |
| Consulting Engineer                              | Aqua Pennsylvania, Inc.<br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010         | Applicant  | <b>Saint Gabriel's Hall</b><br>1350 Pawlings Road<br>Audubon, PA 19407  |
| Permit to Construct Issued                       | February 1, 2012  | Township   | Lower Providence  |
| <b>Permit No. 4611514</b> Public Water Supply.   |   | County   | <b>Montgomery</b>   |
| Applicant  | <b>Dock Wood Community</b><br>275 Dock Drive<br>Lansdale, PA 19446-6215             | Type of Facility   | PWS   |
| Borough  | Lansdale  | Consulting Engineer  | Tarson, LLC<br>150 A Love Road<br>Reading, PA 19607   |
| County   | <b>Montgomery</b>   | Permit to Construct Issued   | February 1, 2012  |
| Type of Facility                                 | PWS   | <i>Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110</i> |   |
| Consulting Engineer                              | Suburban Water Technology<br>1697 Swamp Pike<br>Gilbertsville, PA 19525             | <b>Permit No. 2210502</b> , Public Water Supply.   |   |
| Permit to Construct Issued                       | February 1, 2012  | Applicant  | <b>Pennsylvania—American Water</b>  |
| <b>Permit No. 4611516</b> , Public Water Supply. |   | Municipality   | South Hanover Township  |
| Applicant  | <b>Aqua Pennsylvania, Inc.</b><br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010  | County   | <b>Dauphin</b>  |
| Township   | Lower Merion  | Responsible Official   | David R Kauffman<br>800 West Hershey Park Drive<br>Hershey, PA 17033  |
| County   | <b>Montgomery</b>   | Type of Facility   | Installation of an aqua ammonia storage and feed system for finished water chloramination at the Hershey WTP. In addition the installation of a raw water feed point as a future secondary method of disinfection byproduct control |
| Type of Facility                                 | PWS   | Consulting Engineer  | Mark E. Bottin, P.E.<br>Hazen & Sawyer<br>Suite 1001<br>Philadelphia, PA 19108  |
| Consulting Engineer                              | CET Engineering Services<br>1240 North Mountain Road<br>Harrisburg, PA 17112        | Permit to Construct Issued:  | 1/31/2012   |
| Permit to Construct Issued                       | February 1, 2012  |  |   |
| <b>Permit No. 4611520</b> , Public Water Supply. |   |  |   |
| Applicant  | <b>Oak Grove Park and Sales, Inc.</b><br>2985 Cowpath Road<br>Hatfield, PA 19440    |  |   |

**Permit No. 3811512**, Public Water Supply.  
 Applicant **Countryside Christian Community**  
 Municipality North Annville Township  
 County **Lebanon**  
 Responsible Official Troy A Dennis,  
 Maintenance Supervisor  
 200 Bellann Court  
 Annville, PA 17003  
 Type of Facility Installation of potassium  
 permanganate & greensand  
 filtration for Fe & Mn treatment,  
 softening, contact tanks, storage  
 tanks and a booster pump. Also,  
 GWR 4-log treatment of viruses  
 for EP 102.  
 Consulting Engineer Charles A Kehew II, P.E.  
 James R. Holley &  
 Associates, Inc.  
 18 South George Street  
 York, PA 17401  
 Permit to Construct 1/27/2012  
 Issued:

**Permit No. 0111525 MA, Minor Amendment**, Public  
 Water Supply.  
 Applicant **Franklin Township Municipal  
 Authority**  
 Municipality Franklin Township  
 County **Adams**  
 Responsible Official Robert Cullison, Chairman  
 PO Box 4  
 Cashtown, PA 17310  
 Type of Facility Installation of GWR 4-log  
 treatment for viruses for EP 101.  
 Consulting Engineer Joseph M McDowell, P.E.  
 Martin & Martin, Inc.  
 37 S Main Street  
 Chambersburg, PA 17201  
 Permit to Construct 1/23/2012  
 Issued:

**Permit No. 0111515 MA, Minor Amendment**, Public  
 Water Supply.  
 Applicant **Franklin Township Municipal  
 Authority**  
 Municipality Franklin Township  
 County **Adams**  
 Responsible Official Robert Cullison, Chairman  
 PO Box 4  
 Cashtown, PA 17310  
 Type of Facility Installation of additional contact  
 piping for GWR 4-log treatment  
 of viruses for EP 101 & 102.  
 Consulting Engineer Joseph M McDowell, P.E.  
 Martin & Martin, Inc.  
 37 S Main Street  
 Chambersburg, PA 17201  
 Permit to Construct 1/23/2012  
 Issued:

**Permit No. 0111516 MA, Minor Amendment**, Public  
 Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.—  
 Links at Gettysburg**  
 Municipality Mt. Joy Township  
 County **Adams**  
 Responsible Official Patrick R. Burke,  
 Regional Manager,  
 Northeast & Central Operations  
 One Aqua Way  
 White Haven, PA 18661  
 Type of Facility Installation of additional contact  
 piping for GWR 4-log treatment  
 of viruses for EP 101.  
 Consulting Engineer William A LaDieu, P.E.  
 CET Engineering Services  
 1240 N Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct 1/23/2012  
 Issued:

**Permit No. 2211511 MA, Minor Amendment**, Public  
 Water Supply.  
 Applicant **GSP Management—Alex  
 Acres MHP**  
 Municipality Halifax Township  
 County **Dauphin**  
 Responsible Official Leanne Heller,  
 Operations Manager  
 PO Box 677  
 Morgantown, PA 19543  
 Type of Facility Installation of additional contact  
 piping for GWR 4-log treatment  
 of viruses for EP 101 & 102.  
 Consulting Engineer James A. Cieri, P.E.  
 ACT ONE Consultants, Inc.  
 200 S. 41 Street  
 Harrisburg, PA 17111  
 Permit to Construct 2/3/2012  
 Issued:

**Permit No. 3811512 MA, Minor Amendment**, Public  
 Water Supply.  
 Applicant **Countryside Christian  
 Community**  
 Municipality North Annville Township  
 County **Lebanon**  
 Responsible Official Mary Ellen Rohrer,  
 Administrator  
 200 Bellann Court  
 Annville, PA 17003  
 Type of Facility Installation of Greensand  
 filtration for iron & manganese  
 treatment and the installation of  
 additional contact tanks for  
 GWR 4-Log treatment of viruses  
 for EP 102.  
 Consulting Engineer Charles A Kehew II, P.E.  
 James R. Holley & Assoc., Inc.  
 18 South George St.  
 York, PA 17401  
 Permit to Construct 1/27/2012  
 Issued:

**Permit No. 2211512 MA, Minor Amendment, Public Water Supply.**

Applicant **Manada Creek MHP**  
Municipality East Hanover Township  
County **Dauphin**  
Responsible Official Farrah Davenport  
1000 N Front Street  
Suite 500  
Wormleysburg, PA 17043

Type of Facility GWR 4-log treatment of viruses for EP 101 & 102. Installation of additional contact piping.

Consulting Engineer Scott M Rights, P.E.  
Steckbeck Engineering Associates  
279 N Zinns Mill Rd  
Lebanon, PA 17042

Permit to Construct Issued: 1/10/2012

**Operations Permit** issued to: **Pennsylvania-American Water**, 7220017, South Hanover Township, **Dauphin County** on 12/19/2011 for the operation of facilities approved under Construction Permit No. 2210503.

**Operations Permit** issued to: **Littlestown Borough Authority**, 7010022, Littlestown Boro & Twp., Germany Twp., **Adams County** on 1/31/2012 for the operation of facilities approved under Construction Permit No. 0111504.

**Operations Permit** issued to: **Ridge Run Tavern**, 7220850, Londonderry Township, **Dauphin County** on 2/1/2012 for the operation of facilities submitted under Application No. 7220850.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. Minor Amendment—Operation Public Water Supply.**

Applicant **Vali-View Mobile Home Park**  
[Township or Borough] Fairfield Township  
County **Lycoming**  
Responsible Official Mr. Jon P. Hall  
Phil Hall Real Estate  
P. O. Box 438  
Montoursville, PA 17754

Type of Facility Public Water Supply  
Consulting Engineer N/A  
Permit Issued February 1, 2012  
Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

**Permit No. Minor Amendment—Operation Public Water Supply.**

Applicant **Orchard Mobile Home Park**  
[Township or Borough] Wolf Township  
County **Lycoming**  
Responsible Official Mr. Jon P. Hall  
Peterman Family Enterprises  
Orchard Mobile Home Park  
7 Schuyler Avenue  
Muncy, PA 17756

Type of Facility Public Water Supply  
Consulting Engineer N/A  
Permit Issued February 2, 2012  
Description of Action 4-log inactivation of viruses at Entry Points 101 (Well No. 1) and 102 (Well No. 2).

**Permit No. Minor Amendment—Operation Public Water Supply.**

Applicant **American Tempo Village Park**  
[Township or Borough] Lycoming Township  
County **Lycoming**  
Responsible Official Jeff Stout, Vice President  
American Tempo Village Park  
528 Reuben Kehrler Road  
Muncy, PA 17756

Type of Facility Public Water Supply  
Consulting Engineer Britt Bassett, P.E.  
Bassett Engineering, Inc.  
1440 Broad Street  
Montoursville, PA 17754

Permit Issued February 1, 2012  
Description of Action Operation of the four new 1,000 gal. water storage tanks.

**Permit No. MA-GWR-T1—Operation Public Water Supply.**

Applicant **Lycoming County Water and Sewer Authority**  
[Township or Borough] Fairfield Township  
County **Lycoming**  
Responsible Official Christine Weigle, Vice President  
Lycoming County Water and Sewer Authority  
P. O. Box 186  
Montoursville, PA 17754

Type of Facility Public Water Supply  
Consulting Engineer N/A  
Permit Issued January 31, 2012  
Description of Action Authorize use of the source of water supply and facilities that have been acquired by the Lycoming County Water and Sewer Authority from Village Water Company, Inc.

**Permit No. 4190505-T2—Operation Public Water Supply.**

Applicant **Lycoming County Water and Sewer Authority**  
[Township or Borough] Fairfield Township  
County **Lycoming**  
Responsible Official Christine Weigle, Vice President  
Lycoming County Water and Sewer Authority  
P. O. Box 186  
Montoursville, PA 17754

Type of Facility Public Water Supply  
Consulting Engineer N/A  
Permit Issued January 31, 2012



Description of Action Authorize use of the source of water supply and facilities that have been acquired by the Lycoming County Water and Sewer Authority from Village Water Company, Inc.

**Permit No. 8710-W-T2—Operation** Public Water Supply.

Applicant **Lycoming County Water and Sewer Authority**  
 [Township or Borough] Fairfield Township  
 County **Lycoming**  
 Responsible Official Christine Weigle, Vice President  
 Lycoming County Water and Sewer Authority  
 P. O. Box 186  
 Montoursville, PA 17754

Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued January 31, 2012

Description of Action Authorize use of the source of water supply and facilities that have been acquired by the Lycoming County Water and Sewer Authority from Village Water Company, Inc.

**Permit No. 4111501-T1—Operation** Public Water Supply.

Applicant **Lycoming County Water and Sewer Authority**  
 [Township or Borough] Fairfield Township  
 County **Lycoming**  
 Responsible Official Christine Weigle, Vice President  
 Lycoming County Water and Sewer Authority  
 P. O. Box 186  
 Montoursville, PA 17754

Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued January 31, 2012

Description of Action Authorize use of the source of water supply and facilities that have been acquired by the Lycoming County Water and Sewer Authority from Village Water Company, Inc.

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant **Duncan Township Municipal Water Authority**  
 [Township or Borough] Duncan Township  
 County **Tioga**  
 Responsible Official Mr. Ken Foreman  
 Duncan Township Municipal Water Authority  
 42 Duncan Township Road  
 Wellsboro, PA 16901

Type of Facility Public Water Supply

Consulting Engineer Chris Beidler, P.E.  
 Larson Design Group  
 1000 Commerce Park Drive  
 Suite 201  
 Williamsport, PA 17701

Permit Issued February 1, 2012

Description of Action Operation of the Aquaguard well cap on Well No. 2.

**Osceola Township Municipal Authority** (Public Water Supply), **Tioga County**: On February 1, 2012, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan Osceola Township Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 3011501**, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**,  
 PO Box 187,  
 1442 Jefferson Road,  
 Jefferson, PA 15344

[Borough or Township] Cumberland Township  
 County **Greene**

Type of Facility Water treatment plant  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051

Permit to Construct Issued February 2, 2012

**Permit No. 5604502A2**, Public Water Supply.

Applicant **Somerset County General Authority**,  
 300 North Center Avenue,  
 Suite 500,  
 Somerset, PA 15501

[Borough or Township] Jenner Township  
 County **Somerset**

Type of Facility Water treatment plant  
 Consulting Engineer Somerset Planning & Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501

Permit to Construct Issued January 20, 2012

**Permit No. 5611511**, Public Water Supply.

Applicant **Municipal Water Authority of the Township of Jenner**,  
 PO Box 115,  
 Boswell, PA 15531

[Borough or Township] Jenner and Quemahoning Townships

County **Somerset**

Type of Facility Water treatment system  
 Consulting Engineer Somerset Planning & Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501

Permit to Construct Issued January 23, 2012

**Permit No. 5611508**, Public Water Supply.

Applicant **Somerset County General Authority**,  
 300 North Center Avenue,  
 Suite 500,  
 Somerset, PA 15501

[Borough or Township] Somerset Township

County **Somerset**

Type of Facility Water treatment system

Consulting Engineer Somerset Planning & Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501

Permit to Construct Issued January 20, 2012

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, PO Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID #5300017) Cumberland Township, **Greene County** on January 19, 2012 for the operation of facilities approved under Construction Permit # 3009501.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320109) White Township, **Indiana County** on January 17, 2012 for the operation of facilities approved under Construction Permit # 3204504MA.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320026) Plumville Borough, **Indiana County** on January 17, 2012 for the operation of facilities approved under Construction Permit # 3209502.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320109) White, Rayne and Armstrong Townships, **Indiana County** on January 17, 2012 for the operation of facilities approved under Construction Permit # 3208501MA.

**Operations Permit** issued to: **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701, (PWSID #5320042) White Township, **Indiana County** on January 17, 2012 for the operation of facilities approved under Construction Permit # 3208503MA.

**Operations Permit** issued to: **Municipal Authority of the Borough of West View**, 210 Perry Highway, Pittsburgh, PA 15229, (PWSID #5020043) Neville Township, **Indiana County** on January 17, 2012 for the operation of facilities approved under Construction Permit # 0210517.

**Operations Permit** issued to: **Wilkesburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Pittsburgh, PA 15221, (PWSID #5020056) Borough of Pitcairn, **Allegheny County** on January 20, 2012 for the operation of facilities approved under Construction Permit # 0211507MA.

**Operations Permit** issued to: **UMH Properties, Inc.**, 3499 Route 9, Suite 3C, Freehold, NJ 07728, (PWSID #4560003) Somerset Township, **Somerset County** on January 20, 2012 for the operation of facilities approved under Construction Permit # 5688507T1A1.

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

**Cancellation of Permit** issued to **St. Barnabas Health Systems, Inc. d/b/a Valencia Woods Nursing Center—The Arbors**, PWSID #5100081, Valencia Borough, **Butler County** on February 1, 2012. This action represents the cancellation of Permit Number 1088509 issued November 23, 1988 and Permit Number 1010502 issued December 23, 2010. This action is a result of Valencia Woods Nursing Center no longer being a Public Water Supply.

**Operation Permit** issued to **Aqua Pennsylvania Incorporated**, PWSID #6620021, Clarendon Borough, **Warren County**. Permit Number 6207504-T1-MA2 issued February 1, 2012 for the operation of the new 143,000 gallon epoxy coated, welded steel finished water storage tank and 1,450 feet of 8 inch ductile iron water main. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on December 13, 2011.

**Operation Permit** issued to **Municipal Water Authority of Adams Township**, PWSID #5100141, Adams Township, **Butler County**. Permit Number 1008503 issued February 6, 2012 for the operation of the Adams Ridge Water tank Booster Pump Station located in Adams Township, Pennsylvania. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on January 31, 2012.

## 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 circum-

stances, 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 Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Merv Shenk Property**, 360 South Ebensshade Road, Manheim, PA 17545, Rapho Township, **Lancaster County**. PA Tectonics, Inc., 826 Main Street, Peckville, PA 18452, on behalf of Merv Shenk, 360 South Ebensshade Road, Manheim, PA 17545, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Former General Electric Site**, 2104 Pennsylvania Avenue, York PA 17404, York City, **York County**. B.L. Companies, Inc., 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Harrisburg Area Community College, One HACC Drive, Harrisburg, PA 17110, submitted a Final Report concerning remediation site soils and groundwater contaminated with VOCs, PAHs, Inorganics and PCBs. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

**John's Lift Truck Tire Service**, Chapman Township, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of PennDOT, 715 Jordan Avenue, Montoursville, Pa 17754 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Trinity Industries, Inc. South Plant**, Borough of Greenville & Hempfield Township, **Mercer County**. Golder & Associates, Inc., Spring Mill Corporation Center, 555 North Lane, Suite 6057, Conshohocken, PA 19428 on behalf of Trinity Industries, Inc., 2525 Stemmons Freeway, Dallas, TX 75207 has submitted a Cleanup Plan concerning remediation of site soil contaminated with metals—primarily Lead, and groundwater contaminated with Manganese, Arsenic. The Cleanup Plan is intended to document remediation of the site to meet the Site-Specific Standard.

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

**U.S. Steel Frozen Hollow Site**, Vandergrift Borough, **Westmoreland County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, Pa 15205 on

behalf of U.S. Steel Corporation, 600 Grant Street, Room 2656, Pittsburgh, PA has submitted a Final Report concerning the remediation of site soil contaminated with lead, manganese, and thallium. Exceedances of groundwater MSCs were limited to aluminum, iron, lead and manganese. The Final Report was noticed in the *Pittsburgh Post-Gazette* on January 24 2012.

**Marathon Petroleum Company, LP Floreffe Terminal**, Jefferson Hills Borough, **Allegheny County**. URS Corporation, Inc. Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh PA 15220 on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840 has submitted a Remedial Investigation Report concerning remediation of the site impacted by a January 2 1988 diesel fuel release. Residual impacts are limited to isolated locations of soil and groundwater at the Site and consist of petroleum based organics. The remediator is pursuing a combination of Statewide Health and Site Specific Standards.

**Former Fort Pitt Bridge Works**, City of Canonsburg, **Washington County**. Blazosky Associates, PO Box 763, Greensburg, PA 15601 on behalf of Stoehr Development Inc, 325 Meadowland Blvd, Suite 1, Washington, PA 15301-8904 submitted a Remedial Investigation Report and Final Report on December 27 2011 concerning the remediation of site soils contaminated with VOC's, semi VOC's, and metals under a Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based

on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310 Harrisburg, PA 17110-9340, on behalf of Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53208, submitted a Remedial Investigation Report for groundwater contaminated with VOCs and Chlorinated Solvents. The Remedial Investigation Report was approved on February 3, 2012. A previously approved Remedial Investigation report addressed soils.

**Lancaster Literary Guild Property**, 113 North Lime Street, Lancaster City, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Betsy Hurley, 113 North Lime Street, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from a ruptured aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 2, 2012.

**Former Giffuni Property/Turkey Hill Experience**, Columbia Borough, **Lancaster County**. Environmental Standards, Inc., PO Box 810, Valley Forge, PA 19482-0810, on behalf of Columbia Borough, 308 Locust Street, Columbia, PA 17512 and Museum Partners LLC, 950 Homestead Road, Newport, PA 17074, submitted a Final Report concerning remediation of site soils and groundwater contaminated with inorganics, PAHs and VOCs. The Final Report demonstrated attainment of a combination of Residential Statewide Health and Site-Specific Standards and was approved by the Department on February 6, 2012.

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

**Campus Theater**, Lewisburg, **Union County**. Alternative Environmental Solutions, on behalf of Bucknell Real Estate, Bucknell University, Lewisburg, Pa 17837 has submitted a Final Report concerning the remediation of site soil contaminated with 1,3,5, Trimethylbenzene, 1,2,4, Trimethylbenzene, Naphthalene, Benzene, Toluene, Ethylbenzene, Cumene, MTBE for the Campus Theatre located at 419 Market Street, Lewisburg, Pa 17837. The

Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 1, 2012.

**Bates Water Withdrawal Site**, Troy Township, **Bradford County**. Golder Associates, Inc., 209 North Main Street, Horseheads, NY 14845 on behalf of Talisman Energy USA Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 27, 2012.

**Borough of Mifflinburg**, Borough of Mifflinburg, **Union County**. Northridge Group, Inc. 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Borough of Mifflinburg, 120 North Third Street, Mifflinburg, Pa 17844 has submitted a Final Report concerning the remediation of site soil contaminated with #2 oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 3, 2012.

#### RESIDUAL 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit No. WMGR133. Global Tungsten & Products Corporation**, 1 Hawes Street, Towanda, PA 18848. The permit is for processing prior to beneficial use of spent lamp phosphor by removing crushed glass and chemically processing the powder to refine valuable rare earth elements for sale as a product or for further refining. The permit was issued by Central Office on February 2, 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 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Major Modification 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit Application No. 100345. Rolling Hills Landfill**, located in Earl Township, **Berks County**. The Department has reviewed the application for permit renewal in order to determine whether it contains the information, maps, fees, and other documents necessary

to be considered administratively complete. Please be advised that the application has been determined to be administratively complete.

Comments concerning the application should be directed to Anthony Rathfon, Program Manager, Southcentral Regional Office. Persons interested in obtaining more information about the general permit application may contact the Southcentral Regional Office, 717-705-4706. 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.

## AIR QUALITY

### General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

**GP11-46-0056: Merck Sharp & Dohme Corp.** (P. O. Box 4, WP20-205, West Point, PA 19486) on February 1, 2012, to operate a nonroad engine(s) in Upper Gwynedd Township, **Montgomery County**.

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

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

**GP1-44-03012: Lewistown Hospital** (400 Highland Drive, Lewistown, PA 17044-1198) on January 24, 2012, for the boilers at the Lewistown Hospital, under GP1, in Derry Township, **Mifflin County**. The General Permit was renewed.

**GP1-22-03059: Allagash Property Trust—DBA Keystone Central Storage, LP** (4720 Gettysburg Road, Suite 402, Mechanicsburg, PA 17055) on January 26, 2012, for the boiler under GP1 at their facility in the City of Harrisburg, **Dauphin County**. The GP1 authorization was reissued and renewed due to a change of ownership at the facility.

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

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

**GP3-08-355: Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18613) on October 6, 2011, to construct and operate two vintage Terex Pegson model XR400 portable crushing plants, a vintage Terex Pegson model 4242SR Tracpactor portable crushing plant, a vintage Terex Pegson 1412 Trackpactor portable crushing plant, a vintage Terex Pegson model XR400S portable crushing plant, a vintage Terex Pegson model XR400 portable crushing plant, a vintage Terex Pegson model XH500 portable crushing plant, a vintage Terex Pegson model XA750 portable crushing plant, a vintage Terex Pegson model 428 portable crushing plant, a vintage Terex Powerscreen Chieftain 1800 portable screening plant, a vintage Terex Powerscreen Warrior 1800 portable

screening plant, a vintage Terex Powerscreen Chieftain 1700 portable screening plant, a vintage Terex Powerscreen Chieftain 2100 portable screening plant, a vintage Terex Powerscreen Warrior 2400 portable screening plant and four vintage telestacker conveyors pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their site in Windham Township, **Bradford County**.

**GP9-08-355: Insinger Excavating, Inc.** (3046 Dushore-Overton Road, Dushore, PA 18613) on October 6, 2011, to construct and operate a 275 brake-horsepower Caterpillar model C9 MBD01473 diesel engine, a 325 brake-horsepower Caterpillar model C9 MBD06764 diesel engine, a 275 brake-horsepower Caterpillar model C9 MBD07813 diesel engine, a 425 brake-horsepower Caterpillar model C12 BDL03204 diesel engine, a 275 brake-horsepower Caterpillar model C9 JSC13181 diesel engine, a 275 brake-horsepower Caterpillar model C9 JSC13181 diesel engine, a 440 brake-horsepower Caterpillar model C13 JSC13181 diesel engine, a 440 brake-horsepower Caterpillar model C13 JSC13181 diesel engine, a 275 brake-horsepower Caterpillar model C9 JSC13181 diesel engine, a 96 brake-horsepower Deutz model BF4M2012 diesel engine, a 111 brake-horsepower Caterpillar model C4.4 TA diesel engine, a 96 brake-horsepower Deutz model BF4M2012 diesel engine, a 111 brake-horsepower Caterpillar model C4.4 diesel engine, a 192 brake-horsepower Deutz model BF4M2012 diesel engine and a 40 brake-horsepower Deutz model D2011L03i diesel engine pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or #2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their site in Windham Township, **Bradford County**.

**GP3-18-205B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on December 16, 2011, to construct and operate a portable non-metallic mineral mobile screen with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Dunkle Construction site in Lamar Township, **Clinton County**.

**GP11-18-205B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on December 16, 2011, to construct and operate a 174 brake horsepower (bhp) Deutz model TCD2013L04 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Dunkle Construction site in Lamar Township, **Clinton County**.

**GP5-59-220A: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on January 27, 2012, to construct and operate one 30.0 MMSCFD glycol dehydration unit equipped with a separate 0.275 MMBtu/hr reboiler heater and to increase the rating of two existing glycol dehydration units each equipped with a separate reboiler heaters to 30.0 MMSCFD and 0.275 MMBtu/hr, respectively. All three units are NATCO model SB12-8 units. There is also one 95 hp GM 4.3L Vortec natural-gas fired generator engine. The facility is also permitted to operate three 1380 hp Caterpillar model G3516B LE (serial numbers JEF01183, JEF01182, & JEF01194) four-stroke lean-burn natural-gas fired compressor engines and one 10,000 gallon drained water tank at their Trimble Compressor Station in Union Township, **Tioga County**.

**GP5-41-648B: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on January 23, 2012, to construct

and operate one 215 bhp Caterpillar G3406 NA serial 4FD03542 four-stroke rich-burn compressor engine equipped with a Miratech model VX-RE-10XC non-selective catalytic reduction (NSCR) system, 30.0 MMscf/day NATCO model SB12-6, serial 0811-256 glycol dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, and one 10,000 gallon produced water tank at the Graham #2 Compressor Station in McNett Township, **Lycoming County**.

**GP5-59-204A: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on January 25, 2012, to install three Miratech model SP-ZES-30x31-12-XH2B1 oxidation catalysts on three existing 1340 bhp Caterpillar model 3516 TALE (serial numbers WPW02653, WPW02647, and WPW02565) four-stroke lean-burn compressor engines, one 95 hp GM 4.3L Vortec rich-burn natural gas fired generator engine, and update one 30.0 MMscf/day NATCO model SB12-8 dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, one 60.0 MMscf/day NATCO SB12-8 dehydrator unit equipped with a 0.55 MMBtu/hr reboiler heater, and one 10,000 gallon produced water tank at their Shaw Compressor Station in Sullivan Township, **Tioga County**.

**GP5-59-201A: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on January 25, 2012, for the installation of three Miratech model SP-ZES-30x31-12-XH2B1 oxidation catalysts on three existing 1340 bhp Caterpillar model 3516 TALE (serial numbers WPW01759, WPW01809, and WPW02717) four-stroke lean-burn compressor engines, the addition of one 95 hp GM 4.3L Vortec rich-burn natural gas fired generator engine, and update one 30.0 MMscf/day NATCO model SB12-8 dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, one 60.0 MMscf/day NATCO SB12-8 dehydrator unit equipped with a 0.55 MMBtu/hr reboiler heater, and one 10,000 gallon produced water tank at the Wellsboro #2 (Parthemer) Compressor Station located in Charleston Township, **Tioga County**.

**GP5-59-216A: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on February 2, 2012, to install three Miratech model SP-ZES-30x31-12-XH2B1 oxidation catalysts on three existing 1340 bhp Caterpillar model 3516 TALE (serial numbers WPW02667, WPW02612, and WPW02687) four-stroke lean-burn compressor engines each equipped with a Miratech model SP-ZES-30x31-12-XH2B1 oxidation catalyst, one 95 bhp GM 3.6L Vortec four-stroke rich-burn generator engine, one 30.0 MMscf/day NATCO model SB12-8 (serial numbers 1005-153) dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, one 60.0 MMscf/day NATCO SB12-8 dehydrator unit equipped with a 0.55 MMBtu/hr reboiler heater, and one 10,000 gallon produced water tank at the Stock 144 Compressor Station in Delmar Township, **Tioga County**.

**GP5-59-207C: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on January 31, 2012, to install two Miratech model SP-ZES-30x31-12-XH2B1 oxidation catalysts on two existing 1340 bhp Caterpillar model 3516 TALE (serial numbers WPW02633, and WPW02639) four-stroke lean-burn compressor engines, the construction and operation one Caterpillar model G3516B LE four-stroke lean-burn compressor engine equipped with a Miratech model IQ-RE-30EH oxidation catalyst, one 95 bhp GM 4.3L Vortec four-stroke rich-burn generator engine, modification of one 30.0 MMscf/day NATCO model SB12-8 dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, one 60.0 MMscf/day NATCO SB12-8 dehydrator unit equipped with a 0.55 MMBtu/hr reboiler

heater, and one 10,000 gallon produced water tank at the Matz Compressor Station in Chatham Township, **Tioga County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-63-00948C: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe St., Tower 2, Suite 700, Denver, CO 80202-2126) on January 31, 2012, to construct and operate sources and controls associated with a natural gas production facility at their Tupta Day Compressor Station in Amwell Township, **Washington County**.

**GP9-63-00948B: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe St., Tower 2, Suite 700, Denver, CO 80202-2126) on January 31, 2012, to construct and operate two (2) diesel-fired engines for emergency power generation at the Tupta Day Compressor Station located in Hopewell Township, **Washington County**.

**GP5-63-00948C: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on January 31, 2012, to construct and operate sources and controls associated with a natural gas production facility at their Tupta Day Compressor Station in Amwell Township, **Washington County**.

**GP9-63-00948B: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe St., Tower 2, Suite 700, Denver, CO 80202-2126) on January 31, 2012, to construct and operate two (2) diesel-fired engines for emergency power generation at their Tupta Day Compressor Station in Hopewell Township, **Washington County**.

**GP5-63-00965: M3 Appalachia Gathering LLC** (600 Travis Street, Houston, TX 77002) on February 7, 2012, to install and operate five (5) Caterpillar Engines, rated at 1,380 bhp 1,400 rpm, Two (2) PESCO Tri Ethylene Glycol (TEG) Dehydrators, each rated at 125 MMBtu/hr attached to two (2) reboilers, rated at 2.0 MMBtu/hr, Four (4) Produced water tanks with a capacity of 400 bbl, and One (1) storage tank with a capacity of 100 bbl at their Momentum-Twilight Compressor Station, in West Pike Township, **Washington County, PA**.

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

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

**GP3-42-236A: Glenn O. Hawbaker, Inc.—McKean County Landfill** (Hutchins Road, Mount Jewett, PA 16740) on January 27, 2012, to operate a Portable Nonmetallic Mineral Processing Plant (Kolberg FT2650 Track Mounted Jaw Plant, 500 tph) (BAQ-GPA/GP-3) in Sergeant Township, **McKean County**.

**GP11-42-236B: Glenn O. Hawbaker, Inc.—McKean County Landfill** (Hutchins Road, Mount Jewett, PA 16740) on January 27, 2012, to operate a Nonroad Engine (Cummins, Model No. QSC CPL 8539 Nonroad Engine, 305 bhp) (BAQ-GPA/GP-11) in Sergeant Township, **McKean County**.

**GP3-42-236C: Glenn O. Hawbaker, Inc.—McKean County Landfill** (Hutchins Road, Mount Jewett, PA 16740) on January 27, 2012, to operate a Portable

Nonmetallic Mineral Processing Plant (Metso ST272 Mobile Screen, 500 tph) (BAQ-GPA/GP-3) in Sergeant Township, **McKean County**.

**GP11-42-236D: Glenn O. Hawbaker, Inc.—McKean County Landfill** (Hutchins Road, Mount Jewett, PA 16740) on January 27, 2012, to operate a Nonroad Engine (Deutz, Model No. 9DZXL04 Nonroad Engine, 174 bhp) (BAQ-GPA/GP-11) in Sergeant Township, **McKean County**.

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**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.**

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

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

**17-00020B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 8, 2011, to modify a drum mix asphalt plant at their Dubois asphalt production facility in Sandy Township, **Clearfield County**.

**53-00003D: National Fuel Gas Supply Corp.** (1100 State Street, 2nd Floor, Erie, PA 16512) on February 2, 2012, to construct two (2) natural gas-fired compressor engines (source IDs P124 and P125) with independent oxidation catalysts (IDs C124A and C125A) and selective catalytic reduction (SCR) systems (IDs C124B and C125B) and one (1) natural gas-fired emergency generator (Source ID P201) with a 3-way catalyst (ID C201) to control the air contaminant emissions from these engines at their Ellisburg facility in Allegany Township, **Potter County**. The respective facility is a major facility for which a Title V operating permit 53-00003 has been issued.

**08-313-004L: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on February 3, 2012, to install and operate a new Severn Trent Services EST Packed Tower Type 955 Wet Gas Scrubber System to control volatile organic compound (VOC) and hydrogen sulfide (H<sub>2</sub>S) emissions from the sulfide treatment/tungsten refining process (Source ID P212) located in department 046 at the facility, in North Towanda Township, **Bradford County**.

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**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.**

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

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

**09-0196E: Abington Reldan Metals, LLC.** (550 Old Bordentown Road, Fairless Hills, PA 19030) on January 27, 2012, to operate burners in Falls Township, **Bucks County**.

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

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

**06-05069Q: East Penn Mfg. Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on January 30, 2012, for modifications and additions to the A-4 battery assembly plant and lead oxide mills at the lead acid battery manufacturing facility in Richmond Township, **Berks County**. The plan approval was extended.

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

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

**17-00063A: Bionol Clearfield, LLC** (250 Technology Drive, Clearfield, PA 16830) on December 15, 2011, to extend the authorization for operation of their ethanol production facility in Lawrence Township, **Clearfield County** on a temporary basis to May 22, 2012. The plan approval has been extended.

**17-00063B: Bionol Clearfield, LLC** (250 Technology Drive, Clearfield, PA 16830) on December 15, 2011, to extend the authorization for operation of their ethanol production facility in Lawrence Township, **Clearfield County** on a temporary basis to May 22, 2012. The plan approval has been extended.

**19-304-008E: Benton Foundry, Inc.** (5297 State Route 487, Benton, PA 17814-6711) on December 23, 2011, to extend the authorization for operation of their foundry in Sugarloaf Township, **Columbia County** on a temporary basis to June 29, 2012. The plan approval has been extended.

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

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

**PA-65-00837B: Dominion Transmission, Inc.—Oakford Compressor Station** (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA 15212) on January 31, 2012, for a plan approval extension in order to prepare and submit a revision to the Title V operating permit application so that the requirements of this plan approval can be included in Salem Township, **Westmoreland County**. The plan approval has been extended.

**PA-04-00731: U.S. Electrofused Minerals, Inc.** (600, Steel Street, Aliquippa, PA 15001) on January 31, 2012, to extend the period of temporary operation of crushing and distribution of brown fused aluminum oxide plant known as the U.S. Electrofused Minerals Plant in Aliquippa City, **Beaver County**, PA. The plan approval has been extended.

**56-00257B: PA Department of Corrections** (P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501) on February 7, 2012, to extend the period of temporary operation of the cogeneration facility including two natural gas-fired boilers, one dual fuel boiler, one landfill gas-fired turbine, and two landfill gas-fired engines authorized under plan approval PA-56-00257B, until August 8, 2012, at SCI Laurel Highlands located in Somerset Township, **Somerset County**.

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

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

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507*

**48-00016: Lehigh University/Packer & Mountaintop Campuses** (461 Webster Street, Bethlehem, PA 18015-1755) on January 31, 2012, for operation of College and University services facility in City of Bethlehem, **Northampton County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

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

**36-05013: Lancaster County SWMA** (1911 River Road, Bainbridge, PA 17502-9360) on January 27, 2012, for their municipal waste incineration facility in Conoy Township, **Lancaster County**. The Title V permit was renewed.

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

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

**65-00354: Sunoco Partners Marketing & Terminals, L.P.** (5733 Butler Street, Pittsburgh, PA 15201) on January 31, 2012, a Title V Only Operating Permit for the of their Delmont Terminal in Salem Township, **Westmoreland County**. The 483,296,354 gallons of gasoline per year facility contains air contamination sources, consisting of three gasoline storage tanks, with storage capacities between 41,000 and 60,000 barrels, one 103,000 barrel capacity ethanol tank, two kerosene or fuel oil tanks, three smaller tanks with VOC emissions of less than 1 tpy, and gasoline and distillate loading racks with emissions controlled by a vapor recovery unit, or alternately, a vapor combustion unit. Maximum annual emissions are estimated to be 100.72 tons of VOC, 20.12 tons of CO, 8.04 tons of NO<sub>x</sub>, and 1.76 tons of all HAPs combined, with the vapor combustion unit in operation. The facility is subject to the applicable requirements of 40 CFR 60, Subpart XX, related to standards of performance for bulk gasoline terminals, Subpart Ka, related to standards of performance for storage vessels for petroleum liquids, 40 CFR 63, Subpart BBBBBB, related to national emission standards for hazardous air pollutants for source category: gasoline distribution bulk terminals, bulk plants, and pipeline facilities, 40 CFR 64, related to Compliance Assurance Monitoring, and Pa. Code Title 25, Chapters 121—145. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

**Operating Permits for Non-Title V Facilities Issued 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*

**46-00123: Wesco Industrial Products, Inc.** (1250 Welsh Road, Lansdale, PA 19446) on February 2, 2012,

for a State-Only, Synthetic Minor Operating Permit in Montgomery Township, **Montgomery County**. Wesco Industrial Products manufactures, and paints hand trucks and other types of lift equipment. This facility is a Synthetic Minor facility for Volatile Organic Compounds (VOC). Total VOC emissions from the facility are limited to 13.50 tons per year, on a 12-month rolling sum basis. This is a renewal of the State Only Operating Permit. Wesco Industrial Products is not requesting any air emission increase with this application. The Operating Permit will contain monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

**06-03053: Hamburg Manufacturing, Inc.** (221 S. 4th Street, PO Box 147, Hamburg, PA 19526) on January 30, 2012, for their castings finishing facility at 1021 S. 4th Street in Hamburg Borough, **Berks County**. The State-only permit was renewed.

**22-03046: Haines & Kibblehouse, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) on January 30, 2012, for their stone crushing plant in Lower Swatara Township, **Dauphin County**. The State-only permit was renewed.

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

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

**26-00573: Johnson Matthey, Inc.** (605 Mountain View Drive, Fayette Business Park, PA 15478) on February 3, 2012 a State Only Operating Permit (SOOP) to authorize the operation of a catalyst production facility located in Smithfield Borough, **Fayette County**.

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

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

**S10-003: South Eastern Pennsylvania Transportation Authority—Berridge/Courtland Maintenance Shop.** (200 West Wyoming Avenue, Philadelphia, PA 19140) on February 3, 2012, to operate public transportation in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two each 12.553 MMBTU/hr boilers, two each 5.021 MMBTU/hr boilers, one 2.95 MMBTU/hr, one 3.95 MMBTU/hr heaters, and one 1 MMBTU/hr, two each 0.5 MMBTU/hr, nine each 1.21 MMBTU/hr hot water heaters, six pressure washers, two space heaters and one Catalyst Regeneration Unit.

**N11-033: South Eastern Pennsylvania Transportation Authority—Callowhill Bus Facility** (52 and Callowhill Street, Philadelphia, PA 19132) on February 3, 2012, to operate a bus maintenance and repair facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 4.72 MMBTU/hr and one 1.36 MMBTU/hr boilers firing natural gas and nine 0.83 MMBTU/hr space heaters firing natural gas, one pressure washer and two soil remediation system, two degreasers and a 200KW emergency generator.

**N11-032: South Eastern Pennsylvania Transportation Authority—Overbrook Maintenance Facility**



(5320 West Jefferson Street, Philadelphia, PA 19131) on February 3, 2011, to operate a Trolley maintenance and repair facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes ten 0.300 MMBTU/hr and five 0.800 MMBTU/hr and one 0.400 MMBTU/hr space heaters firing natural gas, and one pressure washer and two parts washers.

**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.**

**36-05046: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue SE, PO Box 1273, Charleston, WV 25314-1518) on January 27, 2012, for the natural gas transmission station in East Donegal Township, **Lancaster County**. The Title V permit was administratively amended to include the requirements of Plan Approval No. 36-05046A.

**31-03008: Bradford Forest, Inc.** (22510 Croghan Pike, US Route 522, Shade Gap, PA 17255) on January 27, 2012, for the hardwood lumber manufacturing facility

in Dublin Township, **Huntingdon County**. The State-only permit was administratively amended to reflect a change of ownership.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**37-00234: Praxair Surface Tech Inc.** (595 Honeybee Lane New Castle PA 16105) for its Plant 3 facility located in New Castle City, **Lawrence County**. The authorized De minimis emission increase is for installation of one thermal evaporator to remove water from liquid waste. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.449.

The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes all De minimis emission increases since the State Only Operating Permit issuance on October 13, 2011.

| Date                     | Source             | PM10 (tons)                        | SOx (tons)                         | NOx (tons)                      | VOC (tons)                      | CO (tons)                         |
|--------------------------|--------------------|------------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 10-18-2011               | Laser Replacement  | 0.035                              | -                                  | -                               | -                               | -                                 |
| 02-06-2012               | Thermal Evaporator | 0.018                              | -                                  | 0.051                           | -                               | 0.043                             |
|                          |                    |                                    | -                                  | -                               | -                               | -                                 |
| Total Reported Increases |                    | 0.53                               | -                                  | 0.051                           | -                               | 0.043                             |
| Allowable                |                    | 0.6 tons/source<br>3 tons/facility | 1.6 tons/source<br>8 tons/facility | 1 ton/source<br>5 tons/facility | 1 ton/source<br>5 tons/facility | 4 tons/source<br>20 tons/facility |

**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*

**56900701 and NPDES No. PA0214078. PBS Coals, Inc.,** (P. O. Box 260, Friedens, PA 15541), to renew the

permit and related NPDES permit and to revise the permit for the Job 12 Expansion in Shade Township, **Somerset County** to add acreage and NPDES discharge point to expand and maintain existing site utilizing fly ash. Surface Acres Proposed 111.7. Receiving stream: Unnamed Tributary to Coal Run, classified for the following use: CWF. The application was considered administratively complete on March 31, 2006. Application received: February 3, 2006. Permit issued: February 3, 2012.

**63841303. ArcelorMittal Pristine Resources, Inc.,** (P. O. Box 136, 129 Bethlehem Road, Revloc, PA 15948), to revise the permit for the Marianna Mine No. 58 in Marianna Borough, **Washington County** for a post-mining land use change for a 49.5 acre parcel to be sold to Marianna Borough. No additional discharges. The application was considered administratively complete on July 25, 2011. Application received: April 6, 2010. Permit issued: February 3, 2012.

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

**56763114 and NPDES No. PA0608238. Svonavec, Inc.,** 150 West Union Street, Suite 201, Somerset, PA 15501, revision of an existing bituminous surface mine/sand quarry for Erosion and Sedimentation Controls in Milford Township, **Somerset County**, affecting 96.8 acres. Receiving stream(s): unnamed tributary to/and South Glade Creek classified for the following use(s): warm water fishery. There are no potable water supply

intakes within 10 miles downstream. Application received: January 21, 2011. Permit issued: January 30, 2012.

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

**43910102. The Ambrosia Coal & Construction Company** (P. O. Box 422, Edinburg, PA 16116) Renewal of an existing bituminous surface and auger mine in Mill Creek Township, **Mercer County** affecting 350.0 acres. Receiving streams: Unnamed tributary to Little Sandy Creek. This renewal is issued for reclamation only. Application received: November 8, 2011. Permit Issued: January 31, 2012.

**10920112 and NPDES Permit No. PA0211401. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous surface and auger mine in Concord Township, **Butler County** affecting 230.1 acres. Receiving streams: Four unnamed tributaries to Bear Creek and Bear Creek. Application received: July 20, 2011. Permit Issued: February 3, 2012.

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

**17060105 and NPDES No. PA0256374. Allegheny Enterprises, Inc.** (P. O. Box 333, Curwensville, PA 16833). Permit renewal for reclamation activities only of a bituminous surface mine located in Brady Township, **Clearfield County** affecting 38.0 acres. Receiving stream: Stump Creek classified for cold water fishery. There are no potable intakes within 10 miles downstream. Application received: October 24, 2011. Permit issued: February 1, 2012.

**12080101 and NPDES No. PA0256803. Allegheny Enterprises, Inc.** (3885 Roller Coaster Road, Corsica, PA 15829). Commencement, operation, and restoration of a bituminous surface mine in Lumber and Shippen Townships, **Cameron County**, affecting 336.8 acres. Receiving streams: Finley Run and Tannery Hollow Run, classified for the following uses: Cold Water Fishery and currently designated as Cold Water Fishery, but its existing use classification was recently designated Exceptional Value. There are no potable water supply intakes within 10 miles downstream. Application received: June 12, 2008. Permit issued: February 1, 2012.

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

**40663028R5. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County** affecting 474.0 acres, receiving stream: Black Creek/Nescopeck Creek Watershed. Application received: January 19, 2011. Renewal issued: February 2, 2012.

**40663028GP104. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40663028 in Hazle Township, **Luzerne County**, receiving stream: Black Creek/Nescopeck Creek Watershed. Application received: January 4, 2012. Permit issued: February 2, 2012.

**54000103R2. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine and refuse disposal operation in Blythe Township, **Schuylkill County** affecting 250.8 acres, receiving stream: Schuylkill River. Application received: December 6, 2010. Renewal issued: February 6, 2012.

**54000103GP104. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54000103 in Blythe Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: June 21, 2011. Permit issued: February 6, 2012.

*Noncoal Permits Actions*

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

**4274SM5 and NPDES Permit No. PA0262218. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Broadtop Township, **Blair County**. Receiving stream(s): UT to Six Mile Run classified for the following uses(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Water Authority. NPDES renewal application received: February 2, 2011. Permit issued: January 30, 2012.

**34100801. Timothy S. Manbeck**, 9098 Mountain Road, Port Royal, PA 17082, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 1.0 acre. Receiving stream(s): East Licking Creek. Application received: July 12, 2010. Permit issued: January 30, 2012.

**34100801-GP104. Timothy S. Manbeck**, 9098 Mountain Road, Port Royal, PA 17082. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. SNC 34100801 in Milford Township, **Juniata County**. Receiving stream: East Licking Creek classified for the following uses: CWF, MF. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: February 24, 2011. Coverage approved: January 30, 2012.

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

**53032801. Fessenden Construction Co., Inc.** (P. O. Box 271, Roulette, PA 16746-0271), noncoal operation in Roulette Township, **Potter County** affecting 5.0 acres. Application received: January 17, 2012. Final bond release: January 31, 2012.

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

**7475SM3C3 and NPDES Permit No. PA0612308. Keystone Cement Company**, (P. O. Box A, Bath, PA 18014), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Allen Township, **Northampton County**, receiving stream: Monocacy Creek. Application received: May 19, 2011. Renewal issued: February 6, 2012.

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

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

*Blasting Permits Actions*

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

**63124002. Waste Management** (200 Rangos Lane, Washington, PA 15301). Blasting activity permit for the expansion of cell N2 to the Arden Landfill, located in Chartiers Township, **Washington County**. The duration of blasting is expected to last one year. Blasting permit issued: January 31, 2012.

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

**42124001. Minard Run Oil & Gas Company** (609 South Avenue, P. O. Box 18, Bradford, PA 16701) Blasting activity permit to build a road for their own use in Lafayette Township, **McKean County**. This blasting activity permit will expire on July 1, 2012. Permit Issued: January 31, 2012.

**24124001. Tidelands Geophysical Co., Inc.** (101 East Park Boulevard, Suite 955, Plano, TX 75074) Blasting activity permit for seismic exploration in Highland, Jenks, Spring Creek & Millstone Townships, **Elk & Forest Counties**. This blasting activity permit will expire on April 14, 2012. Permit Issued: February 6, 2012.

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

**08124107. Maurer & Scott Sales, Inc.** (122 Thomas St, Coopersburg, PA 18036-2100). Blasting for a natural gas pad located in Monroe Township, **Bradford County**. Permit issued: January 30, 2012. Permit expires: December 31, 2012.

**08124109. M & J Explosives Inc.** (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for a well pad located in Canton Township, **Bradford County**. Permit issued: February 2, 2012. Permit expires February 1, 2013.

**57124103. Meshoppen Blasting Inc.** (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well pad located in Cherry Township, **Sullivan County**. Permit Issued: February 3, 2012. Permit expires: July 31, 2012.

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

**35124101. Maine Drilling & Blasting,** (PO. Box 1140, Gardiner, ME 04345), construction blasting for Alliance Sanitary Landfill in the City of Scranton, Old Forge & Taylor Boroughs, Ransom & Roaring Brook Townships, Lackawanna County; Duryea Borough and Bear Creek Townships, **Luzerne County** and Lehigh Township, Wayne County with an expiration date of January 24, 2013. Permit issued: January 31, 2012.

**40124103. ER Linde Construction Corp.,** (9 Collan Park, Honesdale, PA 18431), construction blasting for Pittston Bypass in Dupont and Avoca Boroughs, **Luzerne County** with an expiration date of December 31, 2012. Permit issued: January 31, 2012.

**58124108. Doug Wathen, LLC,** (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Warriner Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of January 25, 2013. Permit issued: January 31, 2012.

**58124109. ER Linde Construction Corp.,** (9 Collan Park, Honesdale, PA 18431), construction blasting for Range Unit 25 Well Pad in New Milford Township, **Susquehanna County** with an expiration date of December 20, 2012. Permit issued: January 31, 2012.

**38124101. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Fieldcrest in North Cornwall Township, **Lebanon County** with an expiration date of December 31, 2012. Permit issued: February 1, 2012.

**38124102. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Greystone Crossings in North Cornwall Township, **Lebanon County** with an expiration date of January 31, 2013. Permit issued: February 1, 2012.

**38124103. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Shadow Creek in North Cornwall Township, **Lebanon County** with an expiration date of January 31, 2013. Permit issued: February 1, 2012.

**06124103. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for River Bend Estates in Marion Township, **Berks County** with an expiration date of December 31, 2012. Permit issued: February 3, 2012.

**FEDERAL WATER POLLUTION  
CONTROL ACT SECTION 401**

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

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free 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: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E05-358: Pennsylvania Department of Conservation and Natural Resources**, Bureau of Forestry, Piney Creek Arch Culvert Installation, 440 Buchanan Trail, McConnellsburg, PA 17233-8204, in Mann Township, Bedford County, ACOE Baltimore District.

To install and maintain an aluminum arch culvert pipe approximately 20.0-foot long, 103.0-inch wide x 71.0-inch high, 1.0-foot depressed below the natural streambed in Piney Creek (EV) with fill on both left and right floodways at average dimensions of 12.0 feet wide x 26.6 feet long and 5.25 feet high and R-6 riprap for scour protection on both left and right banks 31.0 feet upstream and 16.0 feet downstream of the proposed culvert. The project is located on Arnold Road (Chaneyville, PA Quadrangle; N: 11.17 inches, W: 3.35 inches; Latitude: 39°48'41.4", Longitude: -78°23'55.9") in Mann Township, Bedford County. The purpose of the project is to allow equipment to cross the stream for timber harvesting.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E47-094. Timothy Karr, Jacob's Landing LLC.**, 519 North Derr Drive, Lewisburg, PA 17837-1001. Small Projects Water Obstruction and Encroachment Joint Permit, in Danville Borough, Montour County, ACOE Susquehanna River Basin District (Danville, PA Quadrangle N: 40° 57' 23"; W: 76° 36' 56").

To construct and maintain a 26 unit townhome complex in the delineated floodway of the Susquehanna River, which is located along Water Street in the Borough of Danville, Montour County. There are no proposed wetland impacts. 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.*

**E32-490. EME Homer City Generation, L.P.** 1750 Power Plant Road, Homer City, PA 15748-9558. Homer City Ash Disposal Site in Blacklick & Center Townships, Indiana County, ACOE Pittsburgh District, Indiana, Pa Quadrangle North 4.7", West 12.0"

Has been given consent to place and maintain fill in 0.128 acre of wetland in the Blacklick Creek and Muddy

Creek basins, (CWF) for the purpose of expanding a waste disposal area. In addition, to construct and maintain a concrete lined diversion channel (DC-37) and to place and maintain fill from leachate pond L-1 within the floodway of an unnamed tributary to Blacklick Creek (CWF) (D.A.<100 acres). The project is located in Blacklick and Center Townships, Indiana County (Indiana, Pa Quadrangle North 4.7", West 12.0": Latitude 40° 31' 12" Longitude 79° 12' 39"). To mitigate for these impacts, a 0.128 acre wetland replacement site will be constructed off-site along an unnamed tributary to Cherry Run (CWF). (Indiana, PA Quadrangle N 5.6"; W 11.5"; Latitude 40° 31' 50" Longitude 79° 12'29")

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E25-735, Albion Borough**, 26 Smock Avenue, Albion PA 16401, to conduct the following activities associated with improvements and flood protection for the existing Albion Borough WWTP at the end of Best Avenue north of S.R. 6N (West State Street) (East Springfield, PA Quadrangle N: 41°, 53', 34"; W: 80°, 22', 33.8") in Conneaut Township and Albion Borough, Erie County:

1. Construct and maintain a U-shaped earthen levee having a total crest length of approximately 1125 feet, a top width of 10 feet and a height of 8 feet around the WWTP occupying an area approximately 450 feet wide by 500 feet long within the left/right 100-year floodway and flood plain of East Branch Conneaut Creek.

2. To permanently fill 0.6 acre of wetland (0.54 acre PEM, 0.06 acre PFO) and temporarily impact a total of 0.29 acre of wetland (0.22 acre PEM, 0.07 acre PFO) for construction of the levee and other WWTP improvements.

3. To construct and maintain stormwater outfalls associated with the project. This project includes creation of 1.04 total acres of replacement wetland involving excavation within the 100-year floodway and flood plain of East Branch Conneaut Creek downstream of the WWTP.

**E10-471, American Transmission Systems, Inc.**, 76 South Main Street, Akron, OH 44308, to install temporary roadway and construction access for the construction of two 138 kV electric transmission lines from ATSI's Cranberry Substation located east of I-79 along North Boundary Road (Mars, PA Quadrangle N: 40°, 43', 20"; W: 80°, 05', 57") extending approximately 2 miles southwest to existing 138 kV transmission lines west of the Pennsylvania Turnpike (Baden, PA Quadrangle N: 40°, 42', 20"; W: 80°, 07', 49") in Cranberry Township, Butler County.

Temporary stream impacts include culvert crossings of five tributaries to Brush Creek having contributory drainage areas less than 100 acres and one tributary to Brush Creek greater than 100 acres and temporary impact to approximately 0.21 acre of wetland (PSS/PEM) for a temporary work area measuring approximately 100 feet long by 100 feet wide and a 12-foot wide by 345 foot long timber mat access road. A permanent de minimus wetland impact (0.0003 acres of PEM wetland) will be associated with electric pole placement.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D42-038EA—D42-078EA. Mr. David Okerlund**, The Lodge at Glendorn, 1000 Glendorn Drive, Bradford, PA 16701. Bradford Township, McKean County, ACOE Pittsburgh District. Project proposes to breach and re-

move 41 dams in a 2 mile section of Fuller Brook and a tributary to Fuller Brook (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dams are approximately 2-3 feet high and are approximately 18-20 feet long. The project will also involve the removal of 17 crib structures, one log vane, one rock deflector and the construction of 54 root wad structures, 30 J-Hook structures, and 3 rock cross vanes. The project will restore approximately 4000 feet of stream channel and temporarily impact 0.10 acre of wetlands. The project is located approximately 1.25 miles of the town of Hazleton Mills. (Bradford, PA Quadrangle; Latitude: 41° 55' 02", Longitude: -78° 43' 49").

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

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive Pittsburgh PA*

10/14/2011  
 ESCGP-1 No.: ESX11-063-0011  
 Applicant Name: Mountain Gathering LLC  
 Contact Person Dewey Chalos  
 Address: 810 Houston Street  
 City: Fort Worth State: TX Zip Code: 76102  
 County: Indiana Township: Center and Blacklick  
 Receiving Stream (s) And Classifications: UNT to Two Lick Creek/Two Lick Creek Watershed UNT to Blacklick Creek/Blacklick Creek Watershed, Other

11/16/2011  
 ESCGP-1 No.: ESX10-129-0032 3rd Major Revision  
 Applicant Name: Williams Production Appalachia LLC  
 Contact Person: David Freudenrich  
 Address: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland & Fayette Township(s): Donegal and Saltlick/Springfield  
 Receiving Stream(s) and Classifications: UNT to Youghiogheny River, Other HQ

12/27/2011  
 ESCGP-1 No.: ESX11-129-0046  
 Applicant Name: Williams Marcellus Gathering LLC  
 Contact Person: David Freudenrich  
 Address: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Cook  
 Receiving Stream(s) and Classifications: UNT to Fourmile Run/Ohio River Watershed UNT to Campbell Run/Ohio River Watershed Other, TS

1/16/2011  
 ESCGP-1 No.: ESX11-059-0002 Major Revision  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street  
 City: Athens State: PA Zip Code: 18810  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: UNT of Long Run, UNT of Black Creek, Other

12/21/11  
 ESCGP-1 No.: ESX11-059-0022 Major Revision  
 Applicant Name: Laurel Mountain Midstream Operating LLC  
 Contact Person: Clayton Roesler  
 Address: 1605 Corapolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 COUNTY Greene Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNTs to Pumpkin Run WWF UNTs to Muddy Creek/Tenmile Watershed and South Fork Tenmile Creek Watershed, Other

11/18/2011  
 ESCGP-1 No.: ESX11-051-0042  
 Applicant Name: Burnett Oil Co Inc  
 Contact Person: Robert Hilliard  
 Address: 601 Technology Drive Suite 120  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Fayette Township(s): German  
 Receiving Stream(s) and Classifications: North Browns Run, Other

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-117-0109  
 Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Middlebury and Charleston Townships  
 Receiving Stream(s) and Classification(s) Crooked Creek (WWF, MF), Norris Brook (TSF, MF) and Catlin Hollow (TSF, MF)

ESCGP-1 # ESX12-117-0005  
 Applicant Name Seneca Resources  
 Contact Person Mike Clinger  
 Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Tioga County  
 Township(s) Covington Township  
 Receiving Stream(s) and Classification(s) Elk Run

ESCGP-1 # ESX12-081-0004  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan S. Bennett  
 Address 33 W. Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cummings and Watson Townships

Receiving Stream(s) and Classification(s) Ott Fork, First Branch Ott Fork, and Lower Pine Bottom Run (All HQ-CWF, MF)

ESCGP-1 # ESX11-015-0168 (02)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Lycoming County  
 Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) Wolfe Creek, (TSF, MF), North Branch of Sugar Creek (TSF, MF) and UNTs to North Branch Sugar Creek (TSF, MF)

ESCGP-1 # ESX12-015-0003  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Lycoming County  
 Township(s) Warren Township  
 Receiving Stream(s) and Classification(s) 2 UNT to Corbin Creek (CWF/MF), 2 UNT to Dewing Creek (CWF/MF);  
 Secondary: Corbin Creek (CWF/MF) and Dewing Creek (CWF/MF)

ESCGP-1 # ESX11-015-0316  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Litchfield Township  
 Receiving Stream(s) and Classification(s) Sackett Creek (WWF, MF), Saterlee Creek (CWF, MF);  
 Secondary: Susquehanna County

ESCGP-1 # ESX12-113-0006  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Sullivan County  
 Township(s) Elkland Township  
 Receiving Stream(s) and Classification(s) Lick Creek (CWF/MF);  
 Secondary: Little Loyalsock Creek (CWF/MF)

ESCGP-1 # ESX11-117-0149  
 Applicant Name EQT Gathering  
 Contact Person Megan Stahl  
 Address 625 Liberty Avenue  
 City, State, Zip Pittsburgh, PA 15222  
 County Tioga County  
 Township(s) Duncan Township  
 Receiving Stream(s) and Classification(s) Sand Run (CWF) & Wilson Creek (CWF);  
 Secondary: Babb Creek

ESCGP-1 # ESX11-081-0069 (01)  
 Applicant Name Seneca Resources  
 Contact Person Mike Clinger  
 Address 51 Zents Boulevard  
 City, State, Zip Brookville, PA 15825  
 County Lycoming County  
 Township(s) Lewis Township  
 Receiving Stream(s) and Classification(s) Hagerman Run (HQ);  
 Secondary: Lycoming Creek

ESCGP-1 # ESX10-081-0077 (01)  
 Applicant Name Pennsylvania General Energy Company, LLC  
 Contact Person Douglas Kuntz  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming County  
 Township(s) Cummings and McHenry Townships  
 Receiving Stream(s) and Classification(s) Boone Run, Dry Run, UNT Callahan Run, UNT Pine Creek, UNT Little Pine Creek;  
 Secondary: Little Pine Creek and Pine Creek

ESCGP-1 # ESX12-117-0006  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 1810  
 County Tioga County  
 Township(s) Morris Township  
 Receiving Stream(s) and Classification(s) Hughes Run (EV);  
 Secondary: Texas Creek (HQ-CWF/MF)

ESCGP-1 # ESX12-115-0006  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) UNT to Meshopen Creek (CWF)/Upper Susquehanna—Tunkhannock Watershed (HUC # 02050106)

ESCGP-1 # ESG11-081-0139  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road, Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Lycoming County  
 Township(s) Penn Township  
 Receiving Stream(s) and Classification(s) Sugar Run (CWF, MF), Big Run (CWF, MF)

ESCGP-1 # ESX11-115-0199  
 Applicant Name Williams Production Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Suite 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna County  
 Township(s) Silver Lake Township  
 Receiving Stream(s) and Classification(s) Rhiney Creek, Little Rhiney Creek, and Little Snake Creek;  
 Secondary: Snake Creek (CWF, MF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-019-0116-Bluestone North Pipeline  
 Applicant Keystone Midstream Services  
 Contact Dave Yourd  
 Address 11400 Westmoor Circle, Suite 325  
 City Westminster State CO Zip Code 80021  
 County Butler Township(s) Lancaster(s)  
 Receiving Stream(s) and Classification(s) UNT to Little Connoquenessing Creek (CWF), Little Connoquenessing (CWF) Creek

ESCGP-1 #ESX11-065-0043-Reiter Pad  
 Applicant CNX Gas Company LLC  
 Contact Jennifer Sheesley  
 Address 280 Indian Springs Road, Suite 333  
 City Indiana State PA Zip Code 15701

County Jefferson Township(s) Gaskill(s)  
Receiving Stream(s) and Classification(s) East Branch  
Mahoning Creek/East Branch Mahoning Creek Water-  
shed HQ

ESCGP-1 #ESX12-019-0118-Holy Trinity Monastery B  
Freshwater Impoundment  
Applicant XTO Energy Inc  
Contact Jesse Hickman  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn  
Creek/CWF, Patterson Run/CWF

ESCGP-1 #ESX12-019-0119-Holy Trinity Monastery B  
Unit Gas Well 1H, 2H  
Applicant XTO Energy Inc  
Contact Jesse Hickman  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn  
Creek/CWF, Patterson Run/CWF

ESCGP-1 #ESX12-019-0121-Holy Trinity Monastery A  
Freshwater Impoundment  
Applicant XTO Energy Inc  
Contact Jesse Hickman  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn  
Creek/CWF, Patterson Run/CWF

ESCGP-1 #ESX12-019-0120-Holy Trinity Monastery Gas  
Well 3H, A Unit Gas Well 4H, 5H, 6H  
Applicant XTO Energy Inc

Contact Jesse Hickman  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Jefferson(s)  
Receiving Stream(s) and Classification(s) UNT of Thorn  
Creek/CWF, Patterson Run/CWF

ESCGP-1 #ESX12-031-0029—Jackson Well Pad  
Applicant EXCO Resources (PA) LLC  
Contact Larry M. Sanders  
Address 3000 Ericsson Drive, Suite 200  
City Warrendale State PA Zip Code 15086  
County Clarion Township(s) Millcreek(s)  
Receiving Stream(s) and Classification(s) Clawson Run—  
HQ-CWF & McCanna Run—EV, Cathers Run—HQ-  
CWF & Millcreek—HQ-CWF

ESCGP-1 #ESX11-065-0042—Midland SGL 283 Pad 1  
Applicant EXCO Resources (PA) LLC  
Contact Larry M. Sanders  
Address 3000 Ericsson Drive, Suite 200  
City Warrendale State PA Zip Code 15086  
County Jefferson Township(s) Eldred(s)  
Receiving Stream(s) and Classification(s) Clawson Run—  
HQ-CWF, Kahle—HQ-CWF, Updike—HQ-CWF, Cathers  
Run—HQ-CWF, Millcreek—HQ-CWF, Clarion River—  
HQ-CWF

ESCGP-1 #ESX12-065-0046—Brosius Pad  
Applicant EXCO Resources (PA) LLC  
Contact Larry M. Sanders  
Address 3000 Ericsson Drive, Suite 200  
City Warrendale State PA Zip Code 15086  
County Jefferson Township(s) Beaver(s)  
Receiving Stream(s) and Classification(s) Brocious Run—  
CWF, UNT—CWF, Little Sandy Creek—CWF/Red Bank  
Creek—TSF

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## STORAGE TANKS

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### SITE-SPECTIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

| <i>SSIP Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>  | <i>Tank Type</i>   | <i>Tank Capacity</i>    |
|------------------------|--|---------------|----------------------|--|-------------------------|
| 12-18-001              | WSP Chemicals & Technology, LLC<br>400 West Brown Street<br>Castanea, PA 17726<br>Attn: Paul Green | Clinton       | Castanea<br>Township | 2 ASTs storing<br>petroleum<br>products and<br>hazardous<br>substances | 56,000<br>gallons total |

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## SPECIAL NOTICES

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### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

*Southwest Region: Waste Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222*

The Department of Environmental Protection (Department) approved the Somerset County Municipal Waste Management Plan Revision on February 1, 2012.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa. C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and

of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Lawrence Holley, Environmental Program Manager, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or

to Sharon Svitek, Regional Recycling and Planning Coordinator, Bureau of Waste Management at the previous Regional Office.

#### **Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of January 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

| <i>Name</i>                            | <i>Address</i>   | <i>Type of Certification</i> |
|--|--|------------------------------|
| Appalachian Environmental Group        | 1351 West Winter Road<br>Loganton, PA 17747                      | Mitigation                   |
| Francis Butler                         | 20 Thornridge Road<br>Springfield, PA 19064                      | Testing                      |
| Michael Cantor<br>Pest Blaster, LLC    | 412 Bow Hill Avenue<br>Hamilton, NJ 08610                        | Testing                      |
| Ivan Cilik                             | 9125 Marshall Road<br>Suite B-12<br>Cranberry Township, PA 16066 | Testing                      |
| Joseph Cline                           | P. O. Box 1145<br>Mechanicsburg, PA 17055                        | Testing                      |
| George Conklin, IV                     | 1351 West Winter Road<br>Loganton, PA 17747                      | Testing & Mitigation         |
| Kevin Crane<br>Crane Enterprises, Inc. | 419 West 4th Street<br>Suite 1<br>Williamsport, PA 17701         | Testing                      |
| John Farmer                            | 657 Eastside Drive<br>Landisville, PA 17538                      | Mitigation                   |
| Catherine Hall                         | 119 South Easton Road<br>#205<br>Glenside, PA 19038              | Testing                      |
| Harold Henry                           | 2820 West 23rd Street<br>Erie, PA 16506                          | Testing                      |
| James Douglas Hert                     | 101 Oak Street<br>Warren, PA 16365                               | Testing                      |
| Lawrence Heston                        | P. O. Box 467<br>Yeagertown, PA 17099                            | Testing                      |
| Peter Hilburn                          | 911 Main Street<br>Avoca, PA 18641                               | Testing                      |
| Michael Israel                         | 165 Red Haven Drive<br>North Wales, PA 19454                     | Testing                      |
| Edward Johnston                        | 1902 Concord Road<br>Ambridge, PA 15003                          | Testing                      |
| Daniel Jones                           | 6 Chestwood Drive<br>Connellsville, PA 15425                     | Testing                      |
| Mark Kenschak                          | 3650 Concorde Parkway<br>#100<br>Chantilly, VA 20151             | Testing                      |



| <i>Name</i>        | <i>Address</i>                                       | <i>Type of Certification</i> |
|--------------------|--|------------------------------|
| William Neill, Jr. | 105 McClintock Drive<br>McMurray, PA 15317           | Testing                      |
| Michael Nordberg   | 734 West Main Street<br>Boalsburg, PA 16827          | Testing                      |
| Stephen Notwick    | 27 Jasmine Road<br>Levittown, PA 19056               | Mitigation                   |
| Dwayne Ott         | 311 Bell Tip Road<br>Tyrone, PA 16686                | Testing                      |
| Frederick Ruziecki | P. O. Box 205<br>Wind Gap, PA 18091                  | Testing                      |
| David Scholtz      | P. O. Box 118<br>Effort, PA 18330                    | Laboratory Analysis          |
| Gar Shoemaker      | 104 Valley View Drive<br>Parkesburg, PA 19365        | Testing                      |
| Reid Stever        | 3650 Concorde Parkway<br>#100<br>Chantilly, VA 20151 | Testing                      |
| Bruce Thomas       | 17 Fosterville Road<br>Greensburg, PA 15601          | Testing                      |
| James Weber        | 56 Bentwood Road<br>Drums, PA 18222                  | Testing                      |

[Pa.B. Doc. No. 12-290. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Bid Opportunity

**BOGM 11-5, Cleaning Out and Plugging 24 Abandoned Oil Wells, (Steven C. Morris Property), Foster Township, McKean County.** The principal items of work and approximate quantities are to clean-out and plug 24 abandoned oil wells, estimated to be between 1,400 feet and 1,700 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on February 17, 2012, and bids will be opened on March 22, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for March 1, 2012, at 10 a.m. Use the contact information contained in this advertisement to find out more about the prebid. 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. 12-291. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Notice of Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the 2012 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2012. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P.S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control

Act (52 P.S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations. The procedures for calculating land reclamation bonds are described in technical guidance document 563-2504-001, “Conventional Bonding for Land Reclamation—Coal,” which is available on the Department’s web site at the following link: <http://www.elibrary.dep.state.pa.us>.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the midterm of a permit and before approving a permit revision.

These bond rate guidelines do not apply to bonds ensuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.3a(c)) or to bonds ensuring compliance with the requirements of The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

#### *General Methodology*

The Department developed the bond rate guidelines for 2012 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998—2011. For most categories, a 3-year (2009—2011) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2009 or 2010 that included selective grading. Therefore, a 4-year average was used for the selective grading bond rate.

In general, the costs for a given unit operation for each year are determined using the weighted average of the three lowest total bids for each contract. However, grading costs were calculated using a frequency distribution in combination with the weighted averages.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Tables 1 or 2, then any additional cost information available will be used. If enough data is still not available, the rate will be set from a standard reference such as *Means Building Construction Cost Data* or *Walker's Building Estimator's Reference Book*.

The fees associated with the Land Maintenance Bond Program are presented in Table 3. There has been no change in these rates for 2012.

The bond rate guidelines are available electronically at <http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining Programs, Division of Permits and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### *Mine Sealing Costs*

The mine sealing bond rate guidelines are presented in Table 2. Mine sealing and borehole sealing bond rate guidelines remain the same for 2012.

#### *Effective Date*

The bond rate guidelines in this notice become effective April 1, 2012.

**Table 1**  
**Standard Bond Rate Guidelines For Year 2012**

| <i>Unit Operation</i>  | <i>Unit Measure</i>  | <i>Unit Costs (\$)</i>  |
|--|--|---|
| Mobilization/Demobilization  | Job  | 4% of direct costs or \$40,000, whichever is less   |
| Grading (< 500-foot push)  | Cubic Yard   | 0.75  |
| Grading (≥500-foot push/haul)  | Cubic Yard   | 1.00  |
| Selective Grading  | Acre   | 1,075.00  |
| Revegetation   | Acre   | 1,500.00  |
| Tree Planting  | Tree   | 0.15  |
| Ditch Excavation   | Cubic Yard   | 5.00  |
| Jute Matting   | Square Yard  | 3.50  |
| High Velocity Erosion Control  | Square Yard  | 3.00  |
| AASHTO No. 1   | Ton  | 30.00   |
| AASHTO No. 57  | Ton  | 25.00   |
| R3 Rock Lining   | Square Yard  | 26.00   |
| R4 Rock Lining   | Square Yard  | 21.00   |
| R5 Rock Lining   | Square Yard  | 23.00   |
| Geotextile/Filter Fabric   | Square Yard  | 3.00  |
| PVC Lining <sup>1</sup>  | Square Yard  | 12.00   |
| Subsurface Drain   | Lineal Foot  | 16.00   |
| Erosion and Sedimentation Control<br>(Temporary Installation)  | Job  | Lump sum<br>(5% of direct costs for site)   |
| Pond Removal Active Phase <sup>2</sup>   | Pond   | 3,800.00  |
| Stage 3 Maintenance Bond<br>Non-Cropland Areas (Land Uses<br>Where Crop Yields are Not<br>Required)                        | Acre   | 100.00  |
| Stage 3 Maintenance Bond Cropland<br>(Not Row Crops) Pastureland or<br>Land Occasional Cut for Hay<br>(Excludes Seed Cost) | Acre   | 420.00  |
| Stage 3 Maintenance Bond Cropland<br>Area-Row Crops (includes seed cost)   | Acre   | 640.00  |
| Stage 3 Mobilization   | Job  | 2,500.00  |
| Pond Removal-Stage 3   | Cubic Yards (Embankment Volume)<br>Plus Topsoiling and Revegetation Cost | Use <500 Grading for<br>Pond Embankment Volume<br>Plus Topsoiling and Revegetation<br>Cost for the Area Disturbed |

| <i>Unit Operation</i>               | <i>Unit Measure</i>  | <i>Unit Costs (\$)</i> |
|-------------------------------------|--|------------------------|
| Ditch Removal-Stage 3               | Lineal Foot  | 0.75                   |
| Equipment Tire Removal and Disposal | Tire   | 300.00                 |
| Structure Demolition                | Costs Will Be Calculated Using Costs Listed in the Construction Industry's Latest Annual Cost Publications, such as <i>Means Building Construction Cost Data</i> . |                        |

**Table 2****Mine Sealing Bond Rate Guidelines For Year 2012***Sealing Bituminous Underground Mine Drift and Slope Openings*

| <i>Unit Operation</i>                    | <i>Unit Measure</i> | <i>Unit Costs (\$)</i> |
|--|---------------------|------------------------|
| Concrete Work                            | Cubic yard          | 128.00                 |
| Masonry Work                             | Square foot         | 11.00                  |
| Fill Material and Earthwork <sup>3</sup> | Cubic yard          | 23.00                  |
| Security Fencing                         | Lineal foot         | 29.00                  |
| Mobilization Cost                        | Job                 | 5% of Total Amount     |

*Sealing Bituminous Underground Mine Shaft Openings*

|  |             |                    |
|--|-------------|--------------------|
| Concrete Material                        | Cubic Yard  | 96.00              |
| Aggregate Material                       | Cubic Yard  | 27.00              |
| Fill material and Earthwork <sup>3</sup> | Cubic Yard  | 4.00               |
| Security Fencing                         | Lineal Foot | 29.00              |
| Mobilization Cost                        | Job         | 5% of Total Amount |

*Sealing Boreholes at Bituminous Underground Mines*

| <i>Dimension</i>             | <i>Minimum Cost Per Hole (\$)</i> | <i>Unit Cost (\$)</i> Per Lineal Foot |
|------------------------------|-----------------------------------|---------------------------------------|
| 12 Inch or Less Diameter     | 1,500                             | 5.50                                  |
| Larger Than 12 Inch Diameter | 2,000                             | 5.50                                  |

<sup>1</sup> Typically used for lining of ponds or ditches crossing fill material.

<sup>2</sup> Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

<sup>3</sup> Mine sealing costs are minimum costs. Additional costs per mine seal will be assessed based on specific design criteria, such as the thickness of the seal and the volume of backfill material required, using appropriate material, equipment and labor costs from BAMR bid abstracts or from an industry-standard cost estimation publications, for example, *Means Estimating Handbook* or *Walker's Building Estimator's Reference Book*.

**TABLE 3****Land Maintenance Financial Guarantee Fees For Year 2012**

| <i>Fee Category</i> | <i>Fee (\$)</i> |
|---------------------|-----------------|
| Publication         | \$1,000.00      |
| Administrative      | \$300.00        |

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-292. Filed for public inspection February 17, 2012, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Application of Foundation Surgery Center at Fort Washington, LLC for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Foundation Surgery Center at Fort Washington, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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 Division at the previously

listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-293. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Application of Miners Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Miners Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.3.2 and 3.1-3.2.4.2 (relating to space requirements for exam rooms; and space requirements for treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-294. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Application of Trevoze Specialty Care Surgical Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Trevoze Specialty Care Surgical Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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 Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-295. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Fairways at Brookline  
1950 Cliffside Drive  
State College, PA 16801  
FAC ID 281302

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the 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 this 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 15 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 V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-296. Filed for public inspection February 17, 2012, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Public Comment on the Proposed Federal Fiscal Year 2013 Combined Agency State Plan Attachments

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), announces a period of public

comment on its proposed Federal Fiscal Year (FFY) 2013 Combined Agency State Plan Attachments (Attachments). The plan is the blueprint for the provision of Vocational Rehabilitation (VR) services to persons with disabilities living in this Commonwealth. FFY 2013 begins on October 1, 2012, and ends on September 30, 2013. This notice is provided under the Rehabilitation Act of 1973, as amended in the Workforce Investment Act of 1998.

OVR is required to develop and implement a Combined Agency State Plan, which must be reviewed and revised annually when there are changes to its VR program. These revisions take the form of updates to existing attachments. The FFY 2012 Plan is currently in effect and is a compliance document on file with the Commissioner, Rehabilitation Services Administration and United States Department of Education.

This comment period provides individuals, advocates and other interested parties and organizations opportunities to present their views and recommendations regarding VR services for persons with disabilities. In this Commonwealth, these services are provided by OVR through a network of 21 district offices and the Hiram G. Andrews Center. Comments are being solicited regarding the following State Plan attachments:

- Input and Recommendations of the Pennsylvania Rehabilitation Council.
- Comprehensive System of Personnel Development.
- Annual Estimate of Individuals to be Served and Costs of Services.
- OVR's Goals and Priorities.
- Order of Selection.
- Distribution of Supported Employment Funds.
- Innovation and Expansion Activities.

In addition to the VR State Plan, the agency's Bureau of Blindness and Visual Services (BBVS) will accept public comment on:

- The Business Enterprise Program.
- Specialized Services for Children and Adults.
- Independent Living Services for older persons who are blind.

The scheduled public meetings are listed as follows. All meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests, call the OVR district office conducting the public meeting. Written comments may be submitted by mail to the appropriate district office serving the area in which the individual/organization member resides. All written comments must be received by 5 p.m. on Tuesday, April 13, 2012.

To obtain a copy of the proposed FFY 2013 Attachments or other information, call the contact person listed for the appropriate district office serving their county.

A copy of the approved FFY 2012 Attachments, as well as the proposed FFY 2013 Attachments, will be available on the OVR web site, [www.dli.state.pa.us](http://www.dli.state.pa.us) by clicking on Disability Services, then Office of Vocational Rehabilitation, then Publications.

## Office of Vocational Rehabilitation District Office

### State Plan Meeting Information

#### *Allentown BVRs District Office*

(Carbon, Lehigh, Monroe and Northampton Counties)

Date: March 21, 2012, Time: 4 p.m.—6 p.m.

45 North Fourth Street

Allentown, PA 18102

(800) 922-9536 (Voice), (888) 377-9207 (TTY)

Contact Person: Rick Walters

#### *Altoona BBVS District Office*

(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)

Date: March 26, 2012, Time: 2 p.m.—6 p.m.

1130 12th Avenue, Fourth Floor Conference Room

Altoona, PA 16601

(866) 695-7673 (Voice), (866) 320-7956 (TTY)

Contact Person: Anne Strollo

#### *Altoona BVRs District Office*

(Bedford, Blair, Centre, Fulton and Huntingdon Counties)

Date: March 26, 2012, Time: 2 p.m.—6 p.m.

1130 12th Avenue, Fourth Floor Conference Room

Altoona, PA 16601

(800) 442-6343 (Voice), (866) 320-7955 (TTY)

Contact Person: Pamela Montgomery

#### *DuBois BVRs District Office*

(Cameron, Clearfield, Elk, Jefferson and McKean Counties)

Date: March 20, 2012, Time: 11 a.m.—12 p.m. and 5 p.m.—6 p.m.

199 Beaver Drive

DuBois, PA 15801

(800) 922-4017 (Voice/TTY)

Contact Person: Ralph Serafini

#### *Erie BBVS District Office*

(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)

Date: April 5, 2012, Time: 5 p.m.—6 p.m.

Office of Vocational Rehabilitation Conference Room

3200 Lovell Place

Erie, PA 16503

(866) 521-5073 (Voice), (888) 884-5513 (TTY)

Contact Person: Dawn Sokol (814) 871-4401

and

Perkins Family Restaurant

Date: March 21, 2012, Time: 10:30 a.m.—12 p.m.

18276 Conneaut Lake Road

Meadville, PA 16335

Contact Person: Dawn Sokol (814) 871-4401

On-site at restaurant—mobile number (814) 573-1432

#### *Erie BVRs District Office*

(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)

Date: April 5, 2012, Time: 10 a.m.—12 p.m. and 5 p.m.—6 p.m.

Erie District Office Conference Room

3200 Lovell Place

Erie, PA 16503

(800) 541-0721 (Voice), (888) 217-1710 (TTY)

Contact Person: Jack Hewitt or Kim Garnon

*Harrisburg BBVS District Office*

(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)

Date: April 3, 2012, Time: 3 p.m.—6 p.m.

Forum Place, 8th Floor, Conference Room  
555 Walnut Street

Harrisburg, PA 17101

(866) 375-8264 (Voice), (888) 575-9420 (TTY)

Contact Person: Karen Knaub (717) 705-8618  
and

York BVRs District Office

Date: April 4, 2012, Time: 3 p.m.—6 p.m.

2550 Kingston Road, Suite 101

York, PA 17402

Contact Person: Karen Knaub (717) 705-8618

*Harrisburg BVRs District Office*

(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)

Date: April 3, 2012, Time: 3 p.m.—6 p.m.

Forum Place, 8th Floor, Conference Room

555 Walnut Street

Harrisburg, PA 17101

(800) 442-6352 (Voice), (877) 497-6545 (TTY)

Contact Person: Belinda Crobak

*Johnstown BVRs District Office*

(Cambria, Indiana, Somerset and Westmoreland Counties)

Date: April 4, 2012, Time: 3 p.m.—6 p.m.

Hiram G. Andrews Center Seminar Theater

727 Goucher Street, Section 10

Johnstown, PA 15905

(800) 762-4223 (Voice), (866) 862-6891 (TTY)

Contact Person: Tammy Burke (814) 255-6771

*New Castle BVRs District Office*

(Armstrong, Beaver, Butler and Lawrence Counties)

Date: April 3, 2012, Time: 3 p.m.—6 p.m.

Conference Room

100 Margaret Street

New Castle, PA 16101

(800) 442-6379 (Voice), (888) 870-4476 (TTY)

Contact Person: Gary Gay

*Norristown BVRs District Office*

(Bucks, Chester, Delaware and Montgomery Counties)

Date: March 13, 2012, Time: 3:30 p.m.—6 p.m.

1875 New Hope Street

Norristown, PA 19401

(800) 221-1042 (Voice), (888) 616-0470 (TTY)

Contact Person: Kevin Sand

*Philadelphia BBVS District Office*

(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)

Date: March 19, 2012, Time: 4 p.m.—6 p.m.

Philadelphia BBVS District Office, Conference Room

5th Floor Conference Room

444 North Third Street

Philadelphia, PA 19123

(866) 631-3892 (Voice), (888) 870-4473 (TTY)

and

Associated Services for the Blind

Date: March 20, 2012, Time: 2 p.m.—5 p.m.

919 Walnut Street, 10th Floor

Philadelphia, PA 19107

(866) 631-3892 (Voice), (888) 870-4473 (TTY)

Contact Person: Tajmah McCall (215) 560-1074

*Philadelphia BVRs District Office*

(Philadelphia County)

Date: March 22, 2012, Time: 4 p.m.—6 p.m.

5th Floor, Conference Room

444 North Third Street

Philadelphia, PA 19123

(800) 442-6381 (Voice), (800) 772-9031 (TTY)

Contact Persons: Wayne Trout or Ralph Zuccarino

*Pittsburgh BBVS District Office*

(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)

Date: April 5, 2012, Time: 5:30 p.m.—7:30 p.m.

The Allegheny County Human Services Building, The

Liberty Room

1 Smithfield Street

Pittsburgh, PA 15222

(866) 412-4072 (Voice), (877) 255-5082 (TTY)

Contact Person: Janet Curley (412) 565-5521

*Pittsburgh BVRs District Office*

(Allegheny County)

Date: April 5, 2012, Time: 5:30 p.m.—7:30 p.m.

The Allegheny County Human Services Building, The

Liberty Room

1 Smithfield Street

Pittsburgh, PA 15222

(800) 442-6371 (Voice), (888) 870-4474 (TTY)

Contact Person: Maryann Sutor (412) 392-4958

*Reading BVRs District Office*

(Berks and Schuylkill Counties)

Date: March 15, 2012, Time: 3 p.m.—6 p.m.

3602 Kutztown Road, Suite 200

Reading, PA 19605

(800) 442-0949 (Voice), (877) 475-7326 (TTY)

Contact Person: Betty Brown (610) 621-5800, Ext. 102

*Washington BVRs District Office*

(Fayette, Greene and Washington Counties)

Date: March 20, 2012, Time: 4 p.m.—6 p.m.

Washington District Office Conference Room

201 West Wheeling Street

Washington, PA 15301

(800) 442-6367 (Voice), (866) 752-6163 (TTY)

Contact Person: Lori Kaczmarek (724) 223-4430, Ext. 251  
and

Fayette Community Action Building

Date: March 21, 2012, Time: 11:30 a.m.—12:30 p.m.

Conference Room

137 North Beeson Boulevard

Uniontown, PA 15401

(800) 442-6367 (Voice), (866) 752-6163 (TTY)

Contact Person: Hila Saxer (724) 223-4430, Ext. 236

*Wilkes-Barre BBVS District Office*

(Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)

Date: March 19, 2012, Time: 4 p.m.—6 p.m.

Conference Room

300G Laird Street

Wilkes-Barre, PA 18702

(866) 227-4163 (Voice) or (570) 826-2361, (888) 651-6117  
(TTY)

Contact Person: Karen Walsh-Emma (570) 826-2361,  
Ext. 211

and

Allentown BVRs District Office

Date: March 21, 2012, Time: 4 p.m.—6 p.m.

45 North Fourth Street

Allentown, PA 18102

(800) 922-9536 (Voice), (888) 377-9207 (TTY)

Contact Person: Karen Walsh-Emma (570) 826-2361,  
Ext. 211

*Wilkes-Barre BVRs District Office*

(Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties)

Date: March 19, 2012, Time: 4 p.m.—6 p.m. Wilkes-Barre OVR District Office

300G Laird Street

Wilkes-Barre, PA 18702

(800) 634-2060 (Voice), (888) 651-6117 (TTY)

Contact Person: Joseph Rushin

*Williamsport BVRs District Office*

(Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties)

Date: March 21, 2012, Time: 3 p.m.—6 p.m.

The Grit Building, Suite 102

208 West Third Street

Williamsport, PA 17701

(800) 442-6359 or (570)327-3600 (Voice), (800) 706-0884 (TTY)

Contact Person: Susan Swartz

*York BVRs District Office*

(Adams, Franklin, Lancaster and York Counties)

Date: April 4, 2012, Time: 3 p.m.—6 p.m.

2550 Kingston Road, Suite 207

York, PA 17402

(800) 762-6306 (Voice), (866) 466-1404 (TTY)

Contact Person: Bonnie Bluett (717) 771-4407, Ext. 204

JULIA K. HEARTHWAY,  
Secretary

[Pa.B. Doc. No. 12-297. Filed for public inspection February 17, 2012, 9:00 a.m.]

## Unemployment Compensation Benefit Rate Table

The purpose of this notice is to announce the Table Specified for the Determination of Rate and Amount of Benefits.

Section 404(e)(2)(iii) of the Unemployment Compensation Law (law) (43 P. S. § 804(e)(2)(iii)), provides that the maximum weekly benefit rate for calendar year 2012 shall be the same as the maximum rate calculated for calendar year 2011. Therefore, the maximum weekly benefit rate for unemployment compensation purposes during calendar year 2012 will be \$573.

Under the authority in section 201 of the law (43 P. S. § 761), section 404(e)(2) of the law and 34 Pa. Code § 65.111 (relating to benefit table), the table for 2011, which was published at 41 Pa.B. 976 (February 19, 2011), is being adopted by this notice for 2012. This table is presently codified in 34 Pa. Code Chapter 65, Appendix A.

Under section 404(e)(2)(i) of the law, this table, as adopted for 2012, is effective for claimants whose benefit year begins on or after January 1, 2012.

Questions concerning this notice should be directed to Gregg Shore, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121.

JULIA K. HEARTHWAY,  
Secretary

[Pa.B. Doc. No. 12-298. Filed for public inspection February 17, 2012, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Amendment of Copayment Regulation in 55 Pa. Code § 1101.63

The Department of Public Welfare (Department) is announcing its intent to amend the Commonwealth's Medicaid State Plan and current Medical Assistance (MA) regulations in 55 Pa. Code § 1101.63(b) (relating to payment in full), which set forth MA Program copayment requirements for covered services.

On July 1, 2011, the General Assembly enacted the act of June 30, 2011 (P. L. 89, No. 22) (Act 22), which amended the Public Welfare Code (code) (62 P. S. §§ 101—1503). Act 22 added several provisions to the code, including section 403.1 (62 P. S. § 403.1). Section 403.1(a)(1) and (3), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the Commonwealth Documents Law (CDL)<sup>1</sup> to establish rules, regulations, procedures and standards for the nature and extent of assistance and to modify existing benefits. In addition, to ensure that the Department's expenditures for State Fiscal Year (FY) 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts these regulations from the Regulatory Review Act (71 P. S. §§ 745.1—745.12), section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

Under section 403.1 of the code, the Department intends to submit a State Plan Amendment and promulgate final-omitted regulations amending the MA Program copayment regulations at 55 Pa. Code § 1101.63(b) as follows:

- Eliminate the copayment reimbursement provision which requires the Department to reimburse General Assistance (GA) MA recipients for copayments paid in excess of \$180 in a 6-month period and all other categories of MA recipients for copayments paid in excess of \$90 in a 6-month period.
- Update the MA sliding scale copayment amounts for MA recipients other than GA recipients to reflect the current medical care component of the Consumer Price Index for All Urban Consumers (CPI-U) and codify the Department's ability to make updates to the sliding scale copayment amounts on a recurring basis to account for future CPI-U adjustments as permitted by the Deficit Reduction Act of 2005 (DRA) (Pub. L. No. 109-171) and implementing regulations, through publication of a notice in the *Pennsylvania Bulletin*. The Department will also update the sliding scale copayment amounts for GA recipients, which will continue to be twice the amounts applied to non-GA recipients, consistent with current MA copayment policy.
- Establish a nominal fixed copayment of \$2 for a one way trip and \$4 for a round trip for non-emergency medical paratransit transportation services for certain MA and GA recipients.

<sup>1</sup>The act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)). Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants or benefits. The MA Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits.

- Make technical corrections to codify and clarify existing copayment exclusions that have been in effect in the MA Program.

The Department intends to make these changes effective April 1, 2012.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of amending the copayment regulations is a savings of \$0.733 million (\$0.344 million in State funds and \$0.389 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 15 days will be reviewed and considered in the development of the State Plan Amendment and regulations.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-741. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-299. Filed for public inspection February 17, 2012, 9:00 a.m.]

### **Amendment of Payment Methodology for Pharmaceutical Services**

The Department of Public Welfare (Department) is announcing its intent to amend the provisions of the Commonwealth's Medicaid State Plan and current Medical Assistance (MA) pharmaceutical services regulations in 55 Pa. Code §§ 1121.55 and 1121.56 (relating to method of payment; and drug cost determination).

On July 1, 2011, the General Assembly enacted the act of June 30, 2011 (P.L. 89, No. 22) (Act 22), which amended the Public Welfare Code (code) (62 P.S. §§ 101—1503). Act 22 added several provisions to the code, including section 403.1 (62 P.S. § 403.1). Section 403.1(a)(4), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the Commonwealth Documents Law (CDL)<sup>1</sup> to establish or revise provider payment rates or fee schedules, reimbursement models or payment methodologies for particular services. In addition, to ensure that the Department's expenditures for State Fiscal Year (FY) 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts these regulations from the Regulatory Review Act (71 P.S. §§ 745.1—745.12), section 205 of the

<sup>1</sup> The act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv)). Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants or benefits. The MA Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits, including pharmaceuticals.

CDL (45 P.S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

Under section 403.1 of the code, the Department intends to submit a State Plan Amendment and promulgate final-omitted regulations amending 55 Pa. Code §§ 1121.55 and 1121.56 to revise the method of payment and the determination of drug cost as follows:

- Set the dispensing fee paid to pharmacies at \$2 for prescriptions for compensable, noncompounded legend and nonlegend drugs, and \$3 for compensable compounded prescriptions.

- Set the dispensing fee paid to pharmacies for prescriptions for compensable legend and nonlegend drugs for MA recipients with a pharmacy benefit resource which is a primary third party payer to MA at \$0.50 to cover the pharmacy's cost to transmit the claim to the MA program for secondary payment.

- Revise the establishment of estimated acquisition cost (EAC) as follows:

- For brand name drugs, establish EAC as the lower of the lowest wholesale acquisition cost (WAC) listed for the drug in available Nationally recognized pricing services, plus 3.2%, or the lowest average wholesale price (AWP) listed for the drug in available Nationally recognized pricing services, minus 14%.

- For generic drugs, establish EAC as the lower of the lowest WAC listed for the drug in available Nationally recognized pricing services, minus 5%, or the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 25%.

In addition, the Department intends to make technical changes including:

- Amendments to the list of noncompensable services and items to reflect and clarify payment for pharmaceutical services that have been in effect but have not yet been codified in Department regulations.

- Clarification that the definition of "usual and customary charge" includes discount generic drug savings and discount programs.

The Department intends to implement these changes effective April 1, 2012. These changes will help to ensure that expenditures for FY 2011-2012 for assistance programs administered by the Department do not exceed the aggregate amount appropriated for the programs by the General Appropriations Act of 2011.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of amending the pharmaceutical services regulations is a savings of \$3.365 million (\$1.512 million in State funds and \$1.853 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 15 days will be reviewed and considered in the development of the State Plan Amendment and regulations.



Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-742. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-300. Filed for public inspection February 17, 2012, 9:00 a.m.]

## Disproportionate Share and Supplemental Hospital Payments

The Department of Public Welfare (Department) is providing final notice of a change to the formula used to calculate the disproportionate share hospital (DSH) payments to small and sole community hospitals and the Medical Assistance (MA) Rehabilitation Adjustment Payments authorized under the Commonwealth's Medicaid State Plan for Fiscal Year (FY) 2010-2011.

### *Background*

The Department published notice of its intent to change the formulas used to calculate the DSH payments to small and sole community hospitals and the MA Rehabilitation Adjustment Payments authorized under the Commonwealth's Medicaid State Plan at 41 Pa.B. 3161 (June 18, 2011). The Department received no public comments during the 30-day comment period.

### *Changes to the DSH Payments to Small and Sole Community Hospitals*

Since Centers for Medicare and Medicaid Services (CMS) approval of the DSH payments to small and sole community hospitals for FY 2010-2011, the Department determined that additional hospitals qualify under the approved eligibility criteria for this payment. The Department proposed to revise the payment percentage amount to conform payments to the amount allocated in the State Plan for these payments. The Department specifically proposed that payments to hospitals qualifying under the second criterion be changed from 27.3% to 24.6% of each qualifying hospital's calculated disproportionate OBRA 1993 limit. In addition, the Department proposed recalculating all hospitals' disproportionate share OBRA 1993 limits using 2008-2009 cost report data. The Department intended to use these updated disproportionate share limits in the determination of payments for hospitals qualifying under criteria (a)(2) or (a)(3).

As a result of further analysis, the Department determined that specifying a percentage under the second criterion of each qualifying hospital's calculated disproportionate OBRA 1993 limit and implementing the recalculated hospital specific disproportionate share OBRA 1993 limits using updated 2008-2009 cost report data would cause the Department to exceed the amount allocated for these payments. Therefore, the Department is not implementing the change as detailed in the notice of intent.

To ensure that the amount allocated under the State Plan is not exceeded for any year in which the DSH payments to Small and Sole Community Hospitals are made, the Department will make payments to qualifying hospitals under the second criterion as a proportionate amount of the remaining funds allocated to this DSH

payment after reducing the allocated amount by payments made under the other qualifying criteria. A hospital's proportionate amount is determined by dividing the qualifying hospital's calculated DSH OBRA 1993 limit by the total calculated DSH OBRA 1993 limits for all hospitals meeting the second qualifying criterion for this payment. For purposes of this calculation, the hospitals' DSH OBRA 1993 limits will remain those calculated using FY 2007-2008 MA cost report data available to the Department as of July 2010 as reduced by all MA payments the Department calculated the hospital to have received as of September 30, 2010.

The Department will not use the updated hospital specific disproportionate share OBRA 1993 limits but will continue to use the DSH OBRA 1993 limit based on the FY 2007-2008 MA cost report data available to the Department as of July 2010.

### *Changes to the MA Rehabilitation Adjustment Payment*

Under the approved State Plan, freestanding rehabilitation hospitals that qualify for an MA Rehabilitation Adjustment Payment receive a supplemental payment equal to 92% of the total inpatient MA fee-for-service (FFS) payment amount made to the hospital as reported in the hospital's FY 2007-2008 MA cost report available to the Department as of July 2010. Since CMS approval of this payment, an additional \$4.2 million was allocated to this payment. The Department proposed increasing the amount allocated to the MA Rehabilitation Adjustment Payments to \$18.619 million and the percentage used to determine the payment amount for each qualifying freestanding rehabilitation hospital to 116% of a hospital's FY 2007-2008 inpatient MA FFS payments. The Department implemented these changes as detailed in the intent notice.

### *Fiscal Impact*

The FY 2010-2011 fiscal impact, as a result of these changes to the small and sole community hospitals DSH payments and the MA Rehabilitation Adjustment Payments is \$4.198 million (\$1.862 million in State general funds and \$2.336 million in Federal funds upon approval by CMS).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-743. (1) General Fund; (2) Implementing Year 2010-11 is \$1,862,000; (3) 1st Succeeding Year 2011-12 is \$0; 2nd Succeeding Year 2012-13 is \$0; 3rd Succeeding Year 2013-14 is \$0; 4th Succeeding Year 2014-15 is \$0; 5th Succeeding Year 2015-16 is \$0; (4) 2009-10 Program—\$371,515,000; 2008-09 Program—\$426,822,000; 2007-08 Program—\$468,589,000; (7) MA—Inpatient and MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-301. Filed for public inspection February 17, 2012, 9:00 a.m.]

## Long-Term Living Home and Community-Based Services; Provider Qualifications and Rates

The purpose of this notice is to provide advance public notice of the Department of Public Welfare's (Department) intent to promulgate home and community-based services (HCBS) regulations and submit waiver amendments, as necessary, regarding provider qualifications and provider

payment methodology and rates. These regulations will apply to HCBS providers rendering services for the Medical Assistance (MA) Aging, Attendant Care, COMM CARE, Independence and OBRA home and community-based services waivers (waivers) and the Act 150 program.

#### *Background*

On July 1, 2011, the General Assembly enacted the act of June 30, 2011 (P.L. 89, No. 22) (Act 22), which amended the Public Welfare Code (code) (62 P.S. §§ 101—1503). Act 22 added several provisions to the code, including section 403.1 (62 P.S. § 403.1). Section 403.1(a)(4) and (6), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the Commonwealth Documents Law (CDL)<sup>1</sup> to establish or revise provider payment rates or fee schedules, reimbursement models or payment methodologies for particular services and to establish provider qualifications. In addition, to ensure that the Department's expenditures for State Fiscal Year (FY) 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts the regulations from the Regulatory Review Act (71 P.S. §§ 745.1—745.12), section 205 of the CDL (45 P.S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

The Commonwealth's HCBS programs have grown 452% in the past 11 years. The cost of these programs has increased from \$66 million in FY 2000 to \$1,014 million in FY 2011. To strengthen program integrity and to improve cost efficiencies of these programs, the Department will be promulgating regulations.

Currently, the Department pays for many HCBS program waiver services through a locally-negotiated rate between providers and public and private local entities. The regulation will create two payment methods for the payment of services under the HCBS programs. The first method will establish a fee schedule rate for the provision of a service under the MA Program Fee Schedule. The Department will publish the fee schedule rate and the methodology as a notice in the *Pennsylvania Bulletin*.

The second payment method is for a limited number of goods and services provided through the HCBS programs. The Department will continue to reimburse the actual cost of the good or service. In the regulation, these goods and services will be referred to as a vendor good or service. Vendor goods or services make up a small portion of the HCBS program and have traditionally been reimbursed for the actual cost. The list of vendor goods or services will also be published as a notice in the *Pennsylvania Bulletin*.

#### *Requirements*

The following is a summary of the major provisions of the regulations in 55 Pa. Code §§ 52.11, 52.14 and 52.27 (relating to prerequisites for participation; ongoing responsibilities of providers; and service coordinator qualifications and training).

These sections will establish the provider requirements that must be met to be qualified to provide waiver services and Act 150 program services, and also to continue to provide these services. These provider requirements include completing and submitting an MA

<sup>1</sup>The act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv)). Section 204(1)(v) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants or benefits. The Medical Assistance Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits.

application, MA provider agreement and addendum; verifying fiscal solvency and creating and following various policies and procedures. In addition to these enumerated requirements, providers will also be required to comply with the applicable approved MA waivers, including approved waiver amendments, as provided at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=733116&mode=2>.

§ 52.17 (relating to critical incident and risk management).

This section will require providers to report critical incidents and will require the development and implementation of written policies and procedures on the prevention, reporting, notification, investigation and management of critical incidents. This section will also require the implementation of risk management policies and procedures.

§§ 52.22 and 52.23 (relating to provider monitoring; and corrective action plan).

Section 52.22 will provide that the Department will conduct monitoring once every 2 years. Section 52.23 will detail how a corrective action plan will be developed and implemented by a provider who is found to be in noncompliance.

§ 52.24 (relating to quality management).

This section will require providers to create and implement quality management plans to ensure that the provider meets the requirements of the new chapter, 55 Pa. Code Chapter 1101 (relating to general provisions), and other chapters under which the provider may be licensed.

§ 52.28 (relating to conflict free service coordination).

This section will prohibit a service coordination entity from providing a waiver or Act 150 program service, other than service coordination, except under limited circumstances.

§ 52.42 (relating to payment policies).

This section will specify that services will be paid as either a fee schedule service or as a vendor good or service payment.

§ 52.43 (relating to audit requirements).

This section will clarify the audit requirements for providers.

§ 52.45 (relating to fee schedule rates).

This section will establish a fee schedule rate for a waiver or Act 150 program service under the MA Program Fee Schedule. The fee schedule rates and the methodology will be published as a notice in the *Pennsylvania Bulletin*. The Department will also publish a notice in the *Pennsylvania Bulletin* when there are changes in: the methods and standards for setting a fee schedule rate; and the services specific to each waiver and Act 150 program.

§ 52.51 (relating to vendor good or service payment).

This section will provide that an amount charged for a vendor good or service may not exceed the amount for a similar vendor good or service charged to the general public. A provider will be required to retain documentation related to the amount charged for the vendor good or service. Vendor goods or services specific to each waiver and the Act 150 program will be published as a notice in the *Pennsylvania Bulletin*.

§ 52.64 (relating to payment sanctions).

This section will provide that a provider may be sanctioned if a provider fails to meet a requirement of the regulation or Federal or State requirement.

#### *Fiscal Impact*

The Commonwealth will realize an estimated savings of \$15.887 million (\$7.138 million in State funds) in State FY 2011-2012.

#### *Public Comment*

Interested persons are invited to submit written comments regarding HCBS provider qualifications and changes to the provider payment rates and methodology to the Department within 15 days from the date of publication of this notice by sending an e-mail to the Office of Long Term Living at RA-waiverstandard@pa.gov, use subject header "HCBS Regulation," or send postal mail to the Office of Long-Term Living, Bureau of Policy and Strategic Planning, Forum Place, 5th Floor, 555 Walnut Street, Attention: HCBS Regulation, Harrisburg, PA 17101-1919.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-744. No fiscal impact; (8) recommends adoption. The Department anticipates that these changes will result in savings of \$7.138 million in State funds in 2011-12.

[Pa.B. Doc. No. 12-302. Filed for public inspection February 17, 2012, 9:00 a.m.]

## **Newborn Payment Policy for Acute Care General Hospitals**

The Department of Public Welfare (Department) is announcing its intent to amend the provisions of the Commonwealth's Medicaid State Plan and current Medical Assistance (MA) Program regulations in 55 Pa. Code Chapter 1163, Subchapter A (relating to acute care general hospitals under the prospective payment system).

On July 1, 2011, the General Assembly enacted the act of June 30, 2011 (P.L. 89, No. 22) (Act 22), which amended the Public Welfare Code (code) (62 P.S. §§ 101—1503). Act 22 added several provisions to the code, including section 403.1 (62 P.S. § 403.1). Section 403.1(a)(4), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the Commonwealth Documents Law (CDL)<sup>1</sup> to establish or revise provider payment rates or fee schedules, reimbursement models or payment methodologies for particular services. In addition, to ensure that the Department's expenditures for State Fiscal Year (FY) 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts these regulations from the Regulatory Review Act (71 P.S. §§ 745.1—745.12), section 205 of the

<sup>1</sup> The act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv)). Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants or benefits. The MA Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits, including inpatient hospital services.

CDL (45 P.S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

Under section 403.1 of the code, the Department intends to submit a State Plan Amendment and promulgate final-omitted regulations amending 55 Pa. Code §§ 1163.2, 1163.51 and 1163.52 (relating to definitions; general payment policy; and prospective payment methodology) to revise the MA payment policy for normal newborn births as follows:

- Add a definition for a "normal newborn."
- Provide for the single MA payment for the inpatient care related to the mother's delivery of a normal newborn.

The Department currently makes two MA All Patient Refined-Diagnosis Related Groups (APR-DRG) payments to a hospital relating to a mother's admission for the delivery of a newborn: one APR-DRG payment for the mother's inpatient stay and another for the newborn's inpatient stay. For FY 2010-2011, on average, the Department made an MA APR-DRG payment of \$5,712 for vaginal or cesarean section deliveries and an MA APR-DRG payment of \$1,155 for the inpatient stays of the normal newborns, resulting in a total average MA APR-DRG payment to the hospital of \$6,867.

Some commercial insurers, as well as several Medicaid programs in other states, pay hospitals a single payment for both the mother's obstetrical delivery and the normal newborn nursery care, rather than two separate payments for the mother and normal newborn. The Department surveyed three health plans that cover a large percentage of commercial lives throughout this Commonwealth. Two of these health plans typically pay only one DRG for the mother's delivery and the newborn care. Both health plans, however, pay separately for medically necessary newborn care in the neonatal intensive care unit (NICU), or when the newborn's stay exceeds 3 days or the DRG trim point for the mother's delivery. The third plan varies its payment and pays either a single DRG, or separate payments for the mother's delivery and newborn care, depending on the particular hospital contracts involved.

The Department also surveyed several states concerning their Medicaid payment methodology for these services. Some states make a global payment for both the mother's delivery and normal newborn care; however, these states make separate payments to the hospital for newborns who are detained in the NICU or newborn nursery after the mother is discharged. Other states make separate payments to the hospital for both the mother's delivery and newborn care, similar to the Department's current practice.

Depending on their provider specific contracts, the Department's MA managed care organizations (MCO) pay hospitals on average either an all-inclusive payment of \$3,745 for the delivery and newborn care or separate payments with an average total payment of \$4,884 (\$3,578 for the delivery and \$1,306 for the newborn care). Under either payment method, on average, the Department's MCO payment for delivery and newborn care is significantly less than the Department's current average MA fee-for-service payment for the mother's delivery alone.

The Department intends to eliminate the separate MA APR-DRG payment to hospitals for the normal newborn's care. Hospitals will instead receive a single APR-DRG payment for the mother's delivery and for the inpatient stay of a normal newborn. In the event the newborn stays in the NICU or experiences other complications not

associated with normal newborn care, the hospital will receive separate APR-DRG payment for the delivery and newborn care.

The Department intends to make these changes effective with dates of discharge on and after April 1, 2012.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of amending the newborn payment regulation is a savings of \$0.964 million (\$0.433 million in State funds and \$0.531 million in Federal funds) upon approval by the Centers for Medicare and Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 15 days will be reviewed and considered in the development of the State Plan Amendment and regulations.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-740. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-303. Filed for public inspection February 17, 2012, 9:00 a.m.]

### **Office of Developmental Programs Community Based Services; Provider Qualification and Rates**

The purpose of this notice is to provide advance public notice of the Department of Public Welfare's (Department) intent to promulgate home and community-based services (HCBS) regulations and submit waiver amendments, as necessary, regarding provider qualifications and provider payment methodologies and rates. These regulations will apply to HCBS providers rendering services for the Medical Assistance (MA) Consolidated, Person/Family Directed Support and Adult Autism home and community-based service waivers, providers of targeted services management and base-funded providers offering services in a waiver service location.

#### *Background*

On July 1, 2011, the General Assembly enacted the act of June 30, 2011 (P.L. 89, No. 22) (Act 22), which amended the Public Welfare Code (code) (62 P.S. §§ 101—1503). Act 22 added several provisions to the code, including section 403.1 (62 P.S. § 403.1). Section 403.1(a)(4) and (6), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the Commonwealth Documents Law (CDL)<sup>1</sup> to establish or revise provider payment rates or fee schedules, reimbursement models or payment methodologies for particular services and to establish

<sup>1</sup>The act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(1)(iv)). Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants or benefits. The Medical Assistance Waiver Program is a Commonwealth grant program through which eligible recipients receive coverage of certain benefits.

provider qualifications. In addition, to ensure that the Department's expenditures for State Fiscal Year (FY) 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts the regulations from the Regulatory Review Act (71 P.S. §§ 745.1—745.12), section 205 of the CDL (45 P.S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

The Office of Developmental Program's HCBS programs have grown 141% in the past 11 years and the cost of these programs has increased from \$752 million in FY 2000 to \$1.81 billion in FY 2011. To strengthen program integrity and to improve cost efficiencies of these programs, the Department will be promulgating regulations.

The following is a summary of the major provisions of this rulemaking:

§ 51.11 (*relating to prerequisites for provider participation*).

The regulation will require providers to meet prerequisites prior to enrollment to verify providers are qualified to provide services. A provider will be required to complete the provider enrollment application, sign an MA provider agreement and HCBS provider agreement and submit supporting qualification documentation. Providers will also be required to comply with the approved applicable waivers, including approved waiver amendments, as provided at <http://www.dpw.state.pa.us/dpworganization/officeofdevelopmentalprograms/index.htm>.

§ 51.13. (*relating to ongoing responsibilities of providers*).

The regulation will establish the process to act on a provider's failure to continue to remain qualified by submitting qualification documentation. A provider will be required to be requalified on a 2-year cycle. If a provider fails to submit the qualification documentation, the provider will no longer be qualified to provide that service.

§ 51.23. (*relating to provider training*).

The regulation will require annual staff training as required in a participant's individual support plan (ISP), including direct care workers hired by a participant.

§ 51.25. (*relating to quality management*).

The regulation will require providers to create, implement and update a quality management plan, which describes how the provider will measure, remediate and improve its performance.

§ 51.31. (*relating to back-up plans*).

The regulation will require providers to have a back-up plan to eliminate deviations in service frequency and duration so all approved and authorized services are implemented as established in a participant's ISP.

*Chapter 51, Subchapter C (relating to payment for services)*.

The regulation will identify the payment methodologies for which services will be reimbursed. The methodologies for setting payment rates will be made under one of the following methods: cost-based reimbursement; MA Program fee schedule reimbursement; or reimbursement as vendor goods and services.

The cost based rate methodology is based on approved cost report data submitted by providers and approved in a desk review process. This is the same methodology as provided at 41 Pa.B. 6175 (November 12, 2011) for the time period July 1, 2011, through November 14, 2011, and 41 Pa.B. 6173 (November 12, 2011) for the time period July 1, 2011, through November 14, 2011.

The MA Program fee schedule reimbursement payment methodology includes a review of the service definitions under the waiver and a determination of allowable cost components which reflect costs that are reasonable, necessary, and related to the delivery of the service. This is the same methodology and rates as provided at 41 Pa.B. 6168 (November 12, 2011) for the time period July 1, 2011, through November 14, 2011, and 41 Pa.B. 6163 (November 12, 2011) for the time period November 15, 2011, through June 30, 2012.

For a limited number of goods and services provided through the HCBS program, referred to as vendor goods and services, these goods and services are reimbursed for the actual cost of the service. The regulation will provide that the Department will publish the list of vendor goods and services as a public notice in the *Pennsylvania Bulletin*.

In addition, this subchapter will specify provider billing, audit and cost report requirements. Providers that are governed by the Single Audit Act (31 U.S.C.A. §§ 7501—7507) are required to comply with Single Audit Act. Other providers will be required to retain books, records and documents for audit and inspection for at least 5 years from the provider's State fiscal year end. §§ 51.151 and 51.152. (relating to termination of provider agreement; and sanctions).

The regulation will provide for sanctions or termination of a provider if a provider fails to comply with the requirements of the regulation. These sanctions include disallowing all or a portion of a payment, suspending a current or future payment pending compliance, and recouping payments for services a provider cannot verify as being provided in the required amount, duration and frequency.

#### *Fiscal Impact*

The Department anticipates savings of approximately \$8.028 million in State funds for FY 2011-2012.

#### *Public Comment*

Copies of this notice may be obtained at the local Mental Health/Mental Retardation (MH/MR) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/MR County Program or AE may be accessed through a link on the internet at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP>, or contact the previously referenced regional Office of Developmental Programs (ODP).

Interested persons are invited to submit written comments regarding HCBS provider qualifications and the provider payment rates and methodology to the Department within 15 days from the date of publication of this notice by sending an e-mail to ODP's rate-setting mailbox at [ra-ratesetting@pa.gov](mailto:ra-ratesetting@pa.gov), use subject header "PN Community based services; provider qualifications and rates" or

send postal mail to the Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-745. No fiscal impact; (8) recommends adoption. The Department anticipates that these changes will result in savings of \$8.028 million in State funds in 2011-12.

[Pa.B. Doc. No. 12-304. Filed for public inspection February 17, 2012, 9:00 a.m.]

## DEPARTMENT OF STATE

### Interstate Compact for Juveniles

Under the authority of the act of February 2, 2012 (Act No. 6 of 2012), known as the Interstate Compact on Educational Opportunity for Military Children (Compact), the Secretary of the Commonwealth hereby provides public notice that the Compact has become operative and effective. The conditions set forth in section 3(a) of the Act have been satisfied and the text of the ratified Compact is published as follows. The date on which the compact became effective and operative between the Commonwealth and any other ratifying states in accordance with the Act is February 2, 2012.

CAROL AICHELE,  
*Secretary*

(*Editor's Note:* The following Interstate Compact will be codified in 22 Pa. Code Chapter 721.)

#### TITLE 22. EDUCATION

#### PART XXI. INTERSTATE COMPACTS

#### CHAPTER 721. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

#### Interstate Compact on Educational Opportunity for Military Children

#### ARTICLE I

#### PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

## ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means: full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 12301 et seq. and 12401 et seq.

B. "Children of military families" means: a school-aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, normally residing in the household of an active duty member.

C. "Compact commissioner" means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means: the period one (1) month prior to the service members' departure from their home station on military orders through six (6) months after return to their home station.

E. "Education(al) records" means: those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means: a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

H. "Local education agency" means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12th) grade public educational institutions.

I. "Member state" means: a state that has enacted this compact.

J. "Military installation" means: a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Non-member state" means: a state that has not enacted this compact.

L. "Receiving state" means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth (12th) grade.

Q. "Transition" means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. "Veteran" means: a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

## ARTICLE III APPLICABILITY

A. Except as otherwise provided in Section C, this compact shall apply to the children of:

1. active duty members of the uniformed services as defined in this compact;

2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. inactive members of the national guard and military reserves;
2. members of the uniformed services now retired, except as provided in Section A;
3. veterans of the uniformed services, except as provided in Section A; and
4. other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

#### ARTICLE IV

##### EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records—In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records/transcripts—Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations—Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and First grade entrance age—Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including Kindergarten) from a local education agency in the sending state at the time of transition, regardless of minimum age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of minimum age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from a local education agency in the sending state.

#### ARTICLE V

##### PLACEMENT & ATTENDANCE

A. Course placement—When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments con-

ducted at the school in the sending state if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

B. Educational program placement—The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services—1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131—12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility—Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities—A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

#### ARTICLE VI

##### ELIGIBILITY

Eligibility for enrollment—Children of military families shall be eligible for enrollment in the public schools of a state pursuant to the provisions of the state's public school statute that provide for admission, without the payment of tuition, of children of military families not domiciled within the school district, provided that the specified conditions in those provisions are met.

Eligibility for extracurricular participation—State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII  
GRADUATION

In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

**Waiver requirements**—Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

**Exit exams**—States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.

**Transfers during Senior year**—Should a military student transferring at the beginning or during his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII  
STATE COORDINATION

Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

The compact commissioner and the military family education liaison designated herein shall be ex-officio

members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX  
INTERSTATE COMMISSION ON EDUCATIONAL  
OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from the state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include, but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense shall serve as an ex-officio, nonvoting member of the executive committee.



Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes; or
7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

Create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state or a political subdivision of a member state.

#### ARTICLE X

#### POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

To provide for dispute resolution among member states.

To promulgate rules and take necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.

To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.

To establish and maintain offices which shall be located within one or more of the member states.

To purchase and maintain insurance and bonds.

To borrow, accept, hire or contract for services of personnel.

To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

To establish a budget and make expenditures.

To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.

To establish uniform standards for the reporting, collecting and exchanging of data.

To maintain corporate books and records in accordance with the bylaws.

To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI  
ORGANIZATION AND OPERATION OF THE  
INTERSTATE COMMISSION

The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee, and such other committees as may be necessary;
3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.
7. Providing "start up" rules for initial administration of the compact.

The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

Executive Committee, Officers and Personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including, but not limited to:

Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

2. (Reserved).

3. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive direc-

tor shall serve as secretary to the Interstate Commission, but shall not be a Member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

The Interstate Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE  
COMMISSION

Rulemaking Authority—The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a

manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

**Rulemaking Procedure**—Rules shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act,” of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission’s authority.

If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

### ARTICLE XIII

#### OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

##### Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

**Default, Technical Assistance, Suspension and Termination**—If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by

this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state’s legislature, and each of the member states.

5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.

##### Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

##### Enforcement

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation, including reasonable attorney’s fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

## ARTICLE XIV

## FINANCING OF THE INTERSTATE COMMISSION

The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

## ARTICLE XV

## MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

Any state is eligible to become a member state.

The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten (10) of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

## ARTICLE XVI

## WITHDRAWAL AND DISSOLUTION

## Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of

such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member state.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

## Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one (1) member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

## ARTICLE XVII

## SEVERABILITY AND CONSTRUCTION

The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

The provisions of this compact shall be liberally construed to effectuate its purposes.

Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

## ARTICLE XVIII

## BINDING EFFECT OF COMPACT AND OTHER LAWS

## Other Laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

## Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

[Pa.B. Doc. No. 12-305. Filed for public inspection February 17, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), District 9-0, under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following is available for sale by the Department.

Located in Logan Township, Blair County. The parcel contains 4,094 square feet of land located southeast of the intersection of SR 1009 and SR 1021. The estimated fair market value is \$18,000.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Thomas A. Prestash, P.E., District Executive, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Joseph Tagliati, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 12-306. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Finding Bucks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning the replacement of the existing bridge carrying SR 1016, Delaware Road over the Delaware Canal in Riegelsville Borough, Bucks County. The bridge will be replaced on similar horizontal and vertical alignments with minimal approach work. A temporary bridge and roadway will also be constructed as part of the project. This temporary structure will be located approximately 250 feet south of the existing structure.

The project will require the use of two Section 4(f)/Section 2002 resources: the Riegelsville Historic District and the Delaware Division of Pennsylvania Canal National Historic Landmark. The project will require the removal of the existing bridge which is contributing to the Riegelsville Historic District and 0.01 acre of right-of-way

acquisition in the Riegelsville Historic District. The Delaware Division of Pennsylvania Canal National Historic Landmark will have a De Minimis use for reconstruction of a deteriorating retaining wall.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with an Individual Section 4(f) Evaluation document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered.

Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resource for the proposed action, and the project is planned to minimize harm to the Section 2002 resource. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE, the Section 4(f) document.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 12-307. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Finding Lancaster County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following finding:

The Department of Transportation (Department) is planning intersection improvements for SR 2029 (Strasburg Pike) and SR 2034 (Windy Hill Road/T-539 (Millstream Road) in West Lampeter Township and East Lampeter Township, Lancaster County. The proposed project includes widening of the cartways to accommodate turning lanes and the installation of a traffic signal. The improvements also require the lowering of a crest vertical curve on the southern approach to improve sight distance. The project will be constructed under a detour with some staged construction. The project will require the use of land from the Diffenbach Farm, which is eligible for the National Register of Historic Places and is located on the southeast quadrant of the proposed intersection improvements. The proposed project will require the use of 0.15 acre (6,485 square feet) of the existing farmstead for permanent right-of-way and will also require a slope easement of 0.29 acre (12,755 square feet). A determination of "No Adverse Effect" on the historic property has been made as defined by section 106 of the National Historic Preservation Act and its regulations. Right-of-way take of the Diffenbach Farm will constitute a use of the Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-1b Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a "Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties" form to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The

approved documents are available in the CE/EA Expert System. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resource for the proposed action and the project is planned to minimize harm to the Section 2002 resource. Measures will be taken to minimize harm as stipulated in the Level-1b CEE.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 12-308. Filed for public inspection February 17, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Nursery Water Designation; Shenango River, Crawford County

Under 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties in 30 Pa.C.S. § 2106 (relating to fishing in hatchery or nursery waters) apply. The designation of waters as nursery waters or exhibition areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

The Commission previously designated the sanctuary and the spillway area of Pymatuning Lake, Crawford

County, as nursery waters. This designation is effective year-round. To protect hatchery stock of walleye from the sanctuary, the Commission has extended the nursery waters designation to a portion of the Shenango River on a seasonal basis. Specifically, the Commission has designated the Shenango River, from the Pymatuning Lake sanctuary boundary at the Route 285 Bridge, locally known as the Blair Bridge, upstream 100 yards. This designation will be effective from March 1 to the first Saturday in May.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 12-309. Filed for public inspection February 17, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within two years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--|---|-----------------------------|
| 3-50            | Department of Banking<br>Debt Management Services Act<br>Continuing Education Requirements<br>41 Pa.B. 6380 (December 3, 2011) | 1/3/12                                    | 2/2/12                      |

**Department of Banking  
 Regulation #3-50 (IRRC #2925)  
 Debt Management Services Act Continuing  
 Education Requirements  
 February 2, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the December 3, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Banking (Department) to respond to all comments received from us or any other source.

**1. Whether the regulation is consistent with the intent of the General Assembly; Protection of the public health, safety and welfare.**

The Debt Management Services Act (Act) (63 P.S. §§ 2401, et seq.) became law on October 9, 2008. It

requires entities engaged in the debt management services industry to be licensed. Section 17(4) of the Act provides the Department with general authority to promulgate regulations to ensure the proper administration of the Act and the proper conduct of licensees under the Act. 63 P.S. § 2417(4). Section 9(c) of the Act imposes a specific obligation on the Department as it pertains to the renewal of licenses and continuing education. It states the following:

In order to maintain its license, a licensee shall demonstrate to the satisfaction of the department that its credit counselors, supervisors and managers participate in continuing education as required by the department by regulation. The department shall delineate the requirements for such continuing education by regulation within three years after the effective date of this act.

Id. at § 2409(c).

Through this regulation, the Department has chosen to fulfill its obligation to “delineate the requirements for such continuing education” by allowing certifying organizations acceptable to the Department to establish continuing education requirements for credit counselors, supervisors and managers. A review of the continuing education requirements of the certifying organizations listed on the Department’s website reveals a regulatory environment that varies. For example, the two-year renewal cycle for one organization is based on calendar years (i.e., January 1, 2012, through December 31, 2013), while another organization’s renewal cycle is based on the date that an individual’s certification expires. In other words, if the certification period expired July 31, 2012, then the two-year renewal cycle would begin July 31, 2012, and expire July 31, 2014.

We recognize that this regulatory approach to ensuring credit counselors, supervisors and managers meet continuing education requirements does not impose a cost to the Department. However, the purpose of a regulation is to establish a binding norm. The current continuing education requirements for credit counselors, supervisors and managers vary from certifying organization to certifying organization and can be changed without notice and without input from the affected parties, including the Department. We question whether the Department’s approach to regulating continuing education for credit counselors, supervisors and managers is consistent with what the General Assembly intended. In the Preamble to the final-form regulation, we ask the Department to explain how this delegation of rulemaking authority from the Department to acceptable certifying organizations fulfills the Department’s statutory mandate to promulgate regulations to delineate continuing education requirements.

In addition, we question whether the public health, safety and welfare of the citizens of the Commonwealth are adequately protected if the continuing education requirements of certifying organizations for credit counselors, supervisors and managers vary. We are particularly concerned about this aspect of the regulation because these certifying organizations do not have to be licensed or registered with the Department; they only have to be found “acceptable” to the Department. If the Department finds the continuing education requirements to be inadequate, what recourse does it have to mandate changes to the requirements?

## 2. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the Regulatory Analysis Form (RAF).

Some of the information contained in the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest. Specifically, the Department has failed to describe how the regulation compares to those of other states. Without this information, we cannot determine if this proposed regulation is in the public interest. In the RAF submitted with the final-form rulemaking, the Department should provide a description of how the regulation compares to those of other states.

## 3. Section 91.1. Definitions.—Protection of the public health, safety and welfare; Clarity.

### *Certifying organization*

This term is defined as follows: “An independent certifying organization acceptable to the Department which certifies credit counselors, supervisors and managers as described in section 5(11) of the act (63 P. S. § 2405(11)).” We have four concerns. First, we note that Section 1.7(e) of the *Pennsylvania Code and Bulletin Style Manual* states that the term being defined should not be used as part of the definition.

Second, the phrase “acceptable to the Department” is vague. What criteria will the Department use to make this determination? We recommend that the criteria that will be used by the Department be included in the body of the regulation.

Third, what process will be used to determine if an independent certifying organization is acceptable? We recommend the final-form regulation be amended to include the steps an organization must take to be considered acceptable to the Department.

Finally, we are aware that the Department has a listing of “acceptable” organizations on its website. To assist the regulated community with compliance, we suggest that the list of acceptable organizations be added to the regulation. In the alternative, we suggest that the regulation specifically note that the list of acceptable organizations is available on the Department’s website and provide the website address.

### *Consumer education program*

This term is defined, but it is not used in the body of the regulation. What is the need for defining it? We have a similar concern with the term “continuing education unit.”

### *Continuing education unit*

This term is defined as, “The term as defined by the applicable certifying organization.” As noted in our first comment, this may be an inappropriate delegation of the rulemaking authority granted to a third party. If there is a need to define this term, we suggest that it be amended to include more specific information, such as whether a unit is 50 minutes or 60 minutes.

### *Manager and Supervisor*

The definitions for both of these terms are identical. To improve clarity, we suggest that only one definition, such as “manager or supervisor,” be included in the rulemaking.

## 4. Section 91.2. Continuing education requirements.—Fiscal impact; Protection of the public health, safety and welfare; Clarity.

This section states the following:

To be eligible to renew a license under the act, a licensee shall demonstrate to the satisfaction of the Department that the certified credit counselors, supervisors and managers employed by the licensee have completed the continuing education requirements necessary to maintain certification.

We have two concerns. First, this provision is vague. What are the continuing education requirements? While we are aware that continuing education requirements are set by independent certifying organizations acceptable to the Department, this is not stated anywhere in the regulation.

Second, as noted in the RAF, some licensees contend that their certifying organization does not certify individuals that do not counsel clients. If that statement is accurate, how has the Department been implementing the Act and the requirement that supervisors and managers meet continuing education requirements? How will this provision of the regulation be enforced?

**5. Section 91.3. Reporting, verification and record-keeping.—Clarity.**

This section requires licensees seeking license renewal to keep certain records for four annual license renewal periods. We have two concerns. First, neither the Act nor this regulation specifies when a renewal period begins. We recommend that the final-form regulation identify when the annual renewal period begins to aid the regulated community in complying with the recordkeeping requirement.

Second, Paragraph (a) requires a licensee, when applying for license renewal, to include “a list of the credit counselors, supervisors and managers.” To improve the clarity of the regulation, we suggest that the Department add “employed by the licensee” to the end of this provision.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-310. Filed for public inspection February 17, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Autism Spectrum Disorders Coverage—Maximum Benefit Adjustment; Notice 2012-03

Section 635.2 of The Insurance Company Law of 1921 (40 P. S. § 764h), added by section 3 of the act of July 9, 2008 (P. L. 885, No. 62), requires:

After December 30, 2011, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Pennsylvania Bulletin* an adjustment to the maximum benefit equal to the change in the United States Department of Labor Consumer Price Index for All Urban Consumers (CPI-U) in the preceding year, and the published adjusted maximum benefit shall be applicable to the following calendar years to health insurance policies issued or renewed in those calendar years.

The CPI-U for the year preceding December 30, 2011, was 3.0%. Accordingly, the maximum benefit of \$36,000 per year is hereby adjusted to \$37,080 for policies issued or renewed in calendar year 2013.

Questions regarding this notice may be directed to Peter Camacci, Director, Bureau of Life, Accident and Health, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, or [rateform@pa.gov](mailto:rateform@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-311. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Effective Dates for Small Group Health Insurance Rate Filings; Notice 2012-04

On December 22, 2011, Governor Tom Corbett signed into law Act 134, formerly Senate Bill 1336. Act 134 gives the Insurance Department (Department) greater authority to review and approve or disapprove rate increases in the small group market. The bill maintains the Department’s full authority to review rates for individual products.

Act 134 requires that an insurer file with the Department rates for small group accident and health insurance policies that it proposes to issue in this Commonwealth. The effective date of Act 134 is March 21, 2012.

For an insurer with a base rate on file, the initial base rate or base rating formula is the base rate or base rating formula currently on file and approved by the Department as of March 21, 2012. For an insurer with no base rate or base rating formula on file with the Department as of March 21, 2012, the initial base rate or base rating formula will be the base rate or base rating formula that must be filed with the department by no later than May 5, 2012.

For the initial base rate filing, submit the premium rate tables for all products offered in the small group market. For the initial base rating formula, submit the base rating methodology, including all risk classifications and the associated factors used in pricing small group products.

Rate quotes made prior to March 21, 2012, to be effective on or after March 21, 2012, are considered to be changes already in progress.

For any proposed rate changes, or for any rates developed for specific groups that are required to be filed, refer to the Small Group Rate Filing Checklist on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov).

Questions concerning this notice may be directed to Peter Camacci, Director, Bureau of Life, Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-0762, [pcamacci@pa.gov](mailto:pcamacci@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-312. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Notice to Workers’ Compensation Insurance Carriers

Insurance companies that write Workers’ Compensation are required to report workers’ compensation premium, loss and claim count information using 2011 Special Schedule “W.” Authority for this call is in section 655 of The Insurance Company Law of 1921 (40 P. S. § 815).

Information to be reported by April 16, 2012, includes the following:

For calendar year 2011:

- \* Premiums—Written, Unearned, Earned
- \* Losses—Indemnity vs. Medical for Paid, Reserves (Case vs. Bulk and IBNR), Incurred
- \* Amounts added to premium to yield Standard Earned Premium at Designated Statistical Reporting Level



\* Deductible adjustments to yield first dollar premiums and losses

For evaluations as of December 31, 2010, and December 31, 2011, policy year information for large deductible (that is, deductible > \$100,000) policies vs. all other policies including small deductible policies on a first dollar basis:

\* Premiums—Earned

\* Losses—Indemnity vs. Medical for Paid, Reserves (Case vs. Bulk and IBNR), Incurred

\* Claim counts—Indemnity vs. Medical for Incurred, Closed with and without payments

Information regarding the submission of 2011 Special Schedule “W” has been sent to carriers and has also been posted on the Insurance Department’s web site at <http://www.insurance.pa.gov>.

Persons who have not received this information or have questions concerning information in this notice should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968 or [bzorkic@pa.gov](mailto:bzorkic@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-313. Filed for public inspection February 17, 2012, 9:00 a.m.]

**The Travelers Indemnity Company; Farmington Casualty Company; The Automobile Insurance Company of Hartford, Connecticut; The Charter Oak Fire Insurance Company; The Phoenix Insurance Company; The Travelers Indemnity Company of America; Homeowners; Rate Revision**

On February 3, 2012, the Insurance Department (Department) received from The Travelers Indemnity Company, Farmington Casualty Company, The Automobile Insurance Company of Hartford, Connecticut, The Charter Oak Fire Insurance Company, The Phoenix Insurance Company and The Travelers Indemnity Company of America a filing for a rate level change for homeowners insurance.

The companies request an overall 9.01% increase amounting to \$10,423,434 to be effective on July 3, 2012. This overall figure represents an average, the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to March 4, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab “How to Find . . .” click on “PA Bulletin.”

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within

30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-314. Filed for public inspection February 17, 2012, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Allegheny County, Wine & Spirits Store #0291 (Relocation), Monroeville, PA

*Lease expiration date:* August 31, 2012.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 to 12,000 net useable square feet of new or existing retail commercial space on or near Route 22 (William Penn Highway) in Monroeville between the intersection with Route 48 to the east and Monroeville Mall to the west. Storeroom should have access to free parking and be able to accommodate tractor trailer deliveries.

*Proposals due:* March 2, 2012, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Region #3  
158 Purity Road, Suite B  
Pittsburgh, PA 15235-4441

**Contact:** George D. Danis, (412) 723-0124

JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 12-315. Filed for public inspection February 17, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-2012-2287377 and A-2012-287378. Pentex Natural Gas Company and Pentex Pipeline Company.** Application of Pentex Natural Gas Company for approval to: 1) transfer the assets nunc pro tunc of the Pentex Pipeline Company from Pentex Pipeline to Pentex Natural Gas Company; 2) for Pentex Natural Gas Company to begin providing natural gas service to the public in the Commonwealth of Pennsylvania; and 3) for Pentex Pipeline Company to abandon its Certificate of Public Convenience.

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 March 5, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on

the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pentex Natural Gas Company and Pentex Pipeline Company

*Through and By Counsel:* Pamela C. Polacek, Esquire, Teresa K. Schmittberger, Esquire, McNees Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-316. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 5, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-2012-2283000. Black Tie Luxury Limousine, Inc.** (621 South Keyser Avenue, Taylor, PA 18517)—for the approval of the transfer of the issued and outstanding stock, from Allen L. Fox, Jr. (1 share), to Thomas Ahearn. *Attorney:* Joseph Vullo, 1460 Wyoming Avenue, Forty Fort, PA 18704.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-317. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Telecommunications Services

**A-2012-2287271. Armstrong Telecommunications, Inc.** Application of Armstrong Telecommunications, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 5, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Armstrong Telecommunications, Inc.

*Through and By Counsel:* John F. Povilaitis, Esq., Buchanan Ingersoll & Rooney, PC, 17 North Second Street, Harrisburg, PA 17101, (717) 237-4825, fax (717) 237-4800, [john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-318. Filed for public inspection February 17, 2012, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant, docketed at A-12-02-001. The company has applied to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-1027808-01. New 60, Inc.**, 641 North Broad Street, Philadelphia, PA 19123 registered with the Commonwealth on December 2, 2011.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by March 5, 2012. Documents filed in support of the application are available for inspection at the TLD office 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. 12-319. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Motor Carrier Stock Transfer Application for Medallion Taxicab Dispatch Service in the City of Philadelphia

Permanent or temporary authority to render service as a common carrier in the City of Philadelphia as a Medallion Taxicab Dispatch Service has been filed with

the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicants, docketed at A-12-02-002. The applicants have applied to have 100% of the stock of All City Taxi, Inc. transferred to them. All City Taxi, Inc. is a PPA certified dispatch association.

**CPC-1013163-03. Danielle Friedman and Jeffrey Sterin**, 2301 Church Street Philadelphia, PA 19124. All City Taxi, Inc. registered with the Commonwealth on November 8, 2002.

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 applicants by March 5, 2012. Documents filed in support of the application are available for inspection at the TLD office 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. 12-320. Filed for public inspection February 17, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-004.3, TMT Mechanics Shed Sewer, until 2 p.m. on Thursday, March 15, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-321. Filed for public inspection February 17, 2012, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-008.P, Purchase of Office Trailer for Mustin Field, until 2 p.m. on Thursday, March 15, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-322. Filed for public inspection February 17, 2012, 9:00 a.m.]

## SECURITIES COMMISSION

Office of the Chief Accountant Staff Position;  
Release No. 12-OCA-1

Date of Release  
January 25, 2012

*Commission Guidelines Regarding the Use of Non-GAAP Financial Measures and to which Staff must Apply Analysis and Review Pursuant to § 609(c) of the 1972 Act for Registration Statements Filed under § 205 and § 206 of the 1972 Act and in Offerings Exempt from Registration under § 202(a), § 203(d), § 203(p), or 203(o).*

### Background

The Pennsylvania Securities Commission seeks to ensure that prospective investors receive honest, full and fair disclosure of all material information concerning investments through the review of registration and exemption offering material filed with the Division of Corporation Finance and the Office of the Chief Accountant. The Office of the Chief Accountant Staff (staff) has noted the proliferation of financial information and informal financial statements within the materials filed with the Commission that are not in accordance with generally accepted accounting principles (GAAP) and are represented by issuers as comprising their financial position, financial performance or cash flow performance. The SEC has recently promulgated regulations and issued guidelines related to the use of non-GAAP financial measures. Accordingly, the purpose of this Release is to present the views of the staff of the Commission with respect to the use of non-GAAP financial measures, consistent with the position of the SEC.

### Staff Position

Use of non-GAAP Financial Measures in Commission filings under sections 202(a), 203(d), 203(p), 203(o), 205, or 206.

Whenever one or more non-GAAP financial measures are included in a filing with the Commission:

(1) The filer must include the following in the filing:

(i) A presentation, with equal or greater prominence, of the most directly comparable financial measure or measures calculated and presented in accordance with Generally Accepted Accounting Principles (GAAP);

(ii) A reconciliation (by schedule or other clearly understandable method), which shall be quantitative for historical non-GAAP measures presented, and quantitative, to the extent available without unreasonable efforts, for forward-looking information, of the differences between the non-GAAP financial measure disclosed or released with the most directly comparable financial measure or measures calculated and presented in accordance with GAAP identified in paragraph (1)(i) of this position;

(iii) A statement disclosing the reasons why the registrant's management believes that presentation of the non-GAAP financial measure provides useful information to investors regarding the registrant's financial condition and results of operations; and

(iv) To the extent material, a statement disclosing the additional purposes, if any, for which the registrant's management uses the non-GAAP financial measure that are not disclosed pursuant to paragraph (1)(iii) of this position.

*Notes to Section (1):*

1. If a non-GAAP financial measure is made public orally, telephonically, by webcast, by broadcast, or by similar means, the requirements of sections (1)(i) and (1)(ii) of this section will be satisfied if:

(i) The required information in those paragraphs is provided on the filer's web site at the time the non-GAAP financial measure is made public; and

(ii) The location of the web site is made public in the same presentation in which the non-GAAP financial measure is made public.

2. In order to overcome the burden of demonstrating the usefulness of non-GAAP financial measures, included in section (1)(iii), a company must be able to demonstrate that it utilizes the non-GAAP financial measure to internally evaluate performance. If the company is able to overcome this hurdle, and the non-GAAP measure does not violate any of the other prohibitions, the information, in order to not be misleading, should include the following disclosures:

(i) The manner in which management uses the non-GAAP measure to conduct or evaluate its business;

(ii) The economic substance behind management's decision to use such a measure;

(iii) Material limitations associated with the use of the non-GAAP financial measure as compared to the use of the most comparable GAAP financial measure;

(iv) The manner in which management compensates for these limitations when using the non-GAAP financial measure; and

(v) The substantive reasons why management believes the non-GAAP financial measure provides useful information to investors.

(2) A filer must not:

(i) Exclude charges or liabilities that required, or will require, cash settlement, or would have required cash settlement absent an ability to settle in another manner, from non-GAAP liquidity measures, other than the measures earnings before interest and taxes (EBIT) and earnings before interest, taxes, depreciation, and amortization (EBITDA);

(ii) Adjust a non-GAAP performance measure to eliminate or smooth items identified as non-recurring, infrequent or unusual, when the nature of the charge or gain is such that it is reasonably likely to recur within two years or there was a similar charge or gain within the prior two years;

(iii) Present non-GAAP financial measures on the face of the registrant's financial statements prepared in accordance with GAAP or in the accompanying notes;

(iv) Present non-GAAP financial measures on the face of any pro forma or prospective financial statements or information required to be disclosed under Commission Regulation § 609.010; or

(v) Use titles or descriptions of non-GAAP financial measures that are the same as, or confusingly similar to, titles or descriptions used for GAAP financial measures.

(3) A filer, or a person acting on its behalf, shall not make public a non-GAAP financial measure that, taken together with the information accompanying that measure and any other accompanying discussion of that measure, contains an untrue statement of a material fact or omits to state a material fact necessary in order to

make the presentation of the non-GAAP financial measure, in light of the circumstances under which it is presented, not misleading.

(4) For purposes of this position, a non-GAAP financial measure is a numerical measure of a filer's historical or future financial performance, financial position or cash flows that:

(i) Excludes amounts, or is subject to adjustments that have the effect of excluding amounts, that are included in the most directly comparable measure calculated and presented in accordance with GAAP in the statement of income, balance sheet or statement of cash flows (or equivalent statements) of the issuer; or

(ii) Includes amounts, or is subject to adjustments that have the effect of including amounts, that are excluded from the most directly comparable measure so calculated and presented.

(5) For purposes of this position, GAAP refers to generally accepted accounting principles in the United States, except that:

(i) in the case of foreign private issuers whose primary financial statements are prepared in accordance with non-U.S. generally accepted accounting principles, GAAP refers to the principles under which those primary financial statements are prepared; and

(ii) in the case of foreign private issuers that include a non-GAAP financial measure derived from or based on a measure calculated in accordance with U.S. generally accepted accounting principles, GAAP refers to U.S. generally accepted accounting principles for purposes of the application of the requirements of this position to the disclosure of that measure.

(6) For purposes of this position, non-GAAP financial measures exclude:

(i) operating and other statistical measures; and

(ii) ratios or statistical measures calculated using exclusively one or both of:

(A) Financial measures calculated in accordance with GAAP; and

(B) Operating measures or other measures that are not non-GAAP financial measures.

(iii) Non-GAAP financial measures do not include operating or other statistics that are not financial in nature. They also do not include measures that are based on GAAP information. The following are examples, although not all inclusive, of items that do not meet the definition of a non-GAAP financial measure:

- Numbers of employees, subscribers, advertisers, stores or customers;

- Return on sales or gross margin computed using GAAP amounts;

- Debt repayments that have been planned, but are not yet made;

- Estimated revenues or expenses of a new product line when the estimates are based on GAAP;

- Measures of profit or loss and total assets for each segment that are disclosed in accordance with GAAP (i.e., Topic 280, Segment Reporting);

- Sales per square foot or sales per employee (assuming the sales figures were calculated in accordance with GAAP);

- Same store sales (again assuming the sales figures for the stores were calculated in accordance with GAAP);
- Operating margin calculated by dividing GAAP revenue into GAAP operating income; and
- Any financial measure required by GAAP, SEC or other system of regulation (e.g., regulatory measures of capital or reserves).

(7) For purposes of this position, non-GAAP financial measures exclude financial measures required to be disclosed by GAAP or a system of regulation of a government or governmental authority or self-regulatory organization that is applicable to the filer. However, the financial measure should be presented outside of the financial statements unless the financial measure is required or expressly permitted by the standard-setter that is responsible for establishing the GAAP used in such financial statements.

(8) The requirements of this position shall not apply to investment companies registered under Section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8).

JEANNE S. PARSONS,  
Secretary

[Pa.B. Doc. No. 12-323. Filed for public inspection February 17, 2012, 9:00 a.m.]

## Office of the Chief Accountant Staff Position; Release No. 12-OCA-2

Date of Release  
January 25, 2012

*Commission Guidelines Regarding the Use of Parent Company Financial Statements that is the Sole Guarantor of its Wholly-owned Finance Subsidiary's Securities and to which Staff must Apply Analysis and Review Pursuant to § 609(c) of the 1972 Act for Registration Statements Filed under § 205 and § 206 of the 1972 Act.*

### Background

The Pennsylvania Securities Commission fosters legitimate capital formation through adequate review of registration and exempt offering material filed with the Division of Corporation Finance and the Office of the Chief Accountant, and requires the offering material to include financial statements of the issuer of the securities. Some parent companies in the past have attempted to raise capital through offerings of securities by a subsidiary that are guaranteed by the parent company. In such situations, because guarantees are securities themselves for purposes of the 1972 Act, offering material must include financial information of both the parent and subsidiary companies. However, the Commission on a case-by-case basis has allowed financial subsidiaries issuing securities guaranteed by the parent to include only financial information of the parent company, consistent with SEC Regulation S-X Rule 3-10(b). The purpose of this guideline is to apply this position generally.

### Staff Position

Financial statements of a parent company that is the sole guarantor of its wholly-owned finance subsidiary's securities under sections 205 or 206.

(1) Finance subsidiary issuer of securities guaranteed by its parent company. When a finance subsidiary issues

securities and its parent company guarantees those securities, the registration statement, parent company annual report, or parent company quarterly report need not include financial statements of the issuer if:

- The issuer is 100% owned by the parent company guarantor;
- The guarantee is full and unconditional;
- No other subsidiary of the parent company guarantees the securities;
- The parent company's financial statements are filed for the periods specified by Commission Regulation § 609.034 and include a footnote stating that the issuer is a 100%-owned finance subsidiary of the parent company and the parent company has fully and unconditionally guaranteed the securities. The footnote also must include the narrative disclosures specified in sections (2) and (3) of this position;

(v) The parent company must demonstrate that it can meet the obligations of the full and unconditional guarantee. In the case the parent company does not have independent assets or operations, it will not be considered able to demonstrate an ability to meet the obligations of the full and unconditional guarantee; and

(vi) The finance subsidiary must include summary unaudited condensed financial statements (balance sheet and income statement) within the prospectus or offering circular in the form called for and for the periods suggested under the Prospectus Guidelines section 6. There also must be a schedule disclosing amounts and identifying information of the entities and persons to whom they have obligations.

(2) Disclose any significant restrictions on the ability of the parent company or any guarantor to obtain funds from its subsidiaries by dividend or loan.

(3) Provide the following disclosures prescribed with respect to the subsidiary issuers and parent company guarantors:

(i) The disclosures in paragraphs (3)(i) 1. and 2. in this position shall be provided when the restricted net assets of consolidated and unconsolidated subsidiaries and the parent's equity in the undistributed earnings of 50 percent or less owned persons accounted for by the equity method together exceed 25 percent of consolidated net assets as of the end of the most recently completed fiscal year. For purposes of this test, restricted net assets of subsidiaries shall mean that amount of the issuer's proportionate share of net assets (after intercompany eliminations) reflected in the balance sheets of its consolidated and unconsolidated subsidiaries as of the end of the most recent fiscal year which may not be transferred to the parent company in the form of loans, advances or cash dividends by the subsidiaries without the consent of a third party (i.e., lender, regulatory agency, foreign government, etc.). Not all limitations on transferability of assets are considered to be restrictions for purposes of this test, which considers only specific third party restrictions on the ability of subsidiaries to transfer funds outside of the entity. For example, the presence of subsidiary debt which is secured by certain of the subsidiary's assets does not constitute a restriction under this position. However, if there are any loan provisions prohibiting dividend payments, loans or advances to the parent by a subsidiary, these are considered restrictions for purposes of computing restricted net assets. When a loan agreement requires that a subsidiary maintain certain working capital, net tangible asset, or net asset levels, or

where formal compensating arrangements exist, there is considered to be a restriction under the position because the lender's intent is normally to preclude the transfer by dividend or otherwise of funds to the parent company. Similarly, a provision which requires that a subsidiary reinvest all of its earnings is a restriction, since this precludes loans, advances or dividends in the amount of such undistributed earnings by the entity. Where restrictions on the amount of funds which may be loaned or advanced differ from the amount restricted as to transfer in the form of cash dividends, the amount least restrictive to the subsidiary shall be used. Redeemable preferred stocks and minority interests and noncontrolling interests shall be deducted in computing net assets for purposes of this test.

1. Describe the nature of any restrictions on the ability of consolidated subsidiaries and unconsolidated subsidiaries to transfer funds to the parent company guarantor in the form of cash dividends, loans or advances (i.e., borrowing arrangements, regulatory restraints, etc.).

2. Disclose separately the amounts of such restricted net assets for unconsolidated subsidiaries and consolidated subsidiaries as of the end of the most recently completed fiscal year.

(4) Definitions for the purposes of this position:

(i) A subsidiary is 100% owned if all of its outstanding voting shares are owned, either directly or indirectly, by its parent company. A subsidiary not in corporate form is 100% owned if the sum of all interests are owned, either directly or indirectly, by its parent company other than:

1. Securities that are guaranteed by its parent and, if applicable, other wholly-owned subsidiaries of its parent; and

2. Securities that guarantee securities issued by its parent and, if applicable, other wholly-owned subsidiaries of its parent.

(ii) A guarantee is full and unconditional, if, when an issuer of a guaranteed security has failed to make a scheduled payment, the guarantor is obligated to make the scheduled payment immediately and, if it does not, any holder of the guaranteed security may immediately bring suit directly against the guarantor for payment of all amounts due and payable.

(iii) A parent company has no independent assets or operations if each of its total assets, revenues, income from continuing operations before income taxes, and cash flows from operating activities (excluding amounts related to its investment in its consolidated subsidiaries) is less than 3% of the corresponding consolidated amount.

(iv) A subsidiary is a finance subsidiary if it has no assets, operations, revenues or cash flows other than those related to the issuance, administration and repayment of the security being registered and any other securities guaranteed by its parent company.

(v) A subsidiary is an operating subsidiary if it is not a finance subsidiary.

*Note to position:*

This position is available if a subsidiary issuer satisfies the requirements of this paragraph but for the fact that, instead of the parent company guaranteeing the security, the subsidiary issuer co-issued the security, jointly and severally, with the parent company. In this situation, the

narrative information required by paragraph (1)(iv) must be modified accordingly.

JEANNE S. PARSONS,  
*Secretary*

[Pa.B. Doc. No. 12-324. Filed for public inspection February 17, 2012, 9:00 a.m.]

**Office of the Chief Accountant Staff Position;  
Release No. 12-OCA-3**

Date of Release  
January 25, 2012

*Commission Guidelines Regarding the Interpretation of Net Assets as defined under the NASAA Statement of Policy Regarding Real Estate Investment Trusts and Incorporating Net Asset Value in the Review and Analysis of Real Estate Investment Trusts.*

**Background**

The Pennsylvania Securities Commission attempts to foster legitimate capital through adequate review of registration and exempt offering material filed with the Division of Corporation Finance and the Office of the Chief Accountant. The Commission staff has increasingly been presented with Real Estate Investment Trusts (REITs) filing registrations under Section 205 of the Act defining Net Assets using a basis not in accordance with U.S. GAAP, specifically in the calculation and use of Net Asset Value (NAV) as a non-GAAP financial measure.

On December 18, 1985, the Commission adopted the North American Securities Administrators Association Statement of Policy Regarding Real Estate Investment Trusts (NASAA REIT Guideline), which defines "Net Assets" as "[t]he total assets (other than intangibles) at cost before deducting depreciation or other non-cash reserves less total liabilities, calculated at least quarterly on a basis consistently applied." It appears that many REITs interpret this definition to allow the use of a basis not based on generally accepted accounting principles. Staff believes this is an incorrect interpretation.

The purpose of this Staff Position is to present the views of the Staff that the phrase "on a basis consistently applied" will be interpreted to mean "on the basis of generally accepted accounting principles," consistent with other NASAA Guidelines adopted by the Commission. In addition, Staff will interpret the term "Net Asset Value" consistent with the term "Net Asset Value Per Program Interest" as defined in the NASAA Registration of Commodity Pool Program Policy, also adopted by the Commission.

**Staff Position**

Interpretation of net assets as defined under the NASAA Statement of Policy regarding Real Estate Investment Trusts and the definition of net asset value as defined under the NASAA Registration of Commodity Pool Programs guideline is to be used by analogy in the review and analysis of real estate investment trusts filed under sections 205 or 206.

(1) Net Assets as defined under Section I.B.17. of the NASAA Statement of Policy Regarding Real Estate Investment Trusts:

Net Assets—The total assets (other than intangibles) at cost before deducting depreciation or other non-cash reserves less total liabilities, calculated at least quarterly on a basis consistently applied.

Shall be interpreted to mean the following:

Net Assets—The total assets (other than intangibles) at cost before deducting depreciation or other non-cash reserves less total liabilities, calculated at least quarterly on the basis of generally accepted accounting principles.

(2) Net Asset Value Per Program Interest as defined under Section I.B.9. of the NASAA Policy Registration of Commodity Pool Programs:

Net Asset Value Per Program Interest—The Net Assets divided by the number of Program Interests outstanding.

Shall be applied to Real Estate Investment Trusts by analogy and be defined as the following with respect to these filers:

Net Asset Value Per Share—The Net Assets divided by the number of Shares outstanding.

Share shall be the term defined under Section I.B.25. of the NASAA Statement of Policy Regarding Real Estate Investment Trusts.

JEANNE S. PARSONS,  
*Secretary*

[Pa.B. Doc. No. 12-325. Filed for public inspection February 17, 2012, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Biotique Esthetics, Inc., t/d/b/a La Biotique; Doc. No. 2234-45-11

On December 20, 2011, Biotique Esthetics, Inc., t/d/b/a La Biotique, license no. CZ117512 of Monroeville, Allegheny County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 12-326. Filed for public inspection February 17, 2012, 9:00 a.m.]

