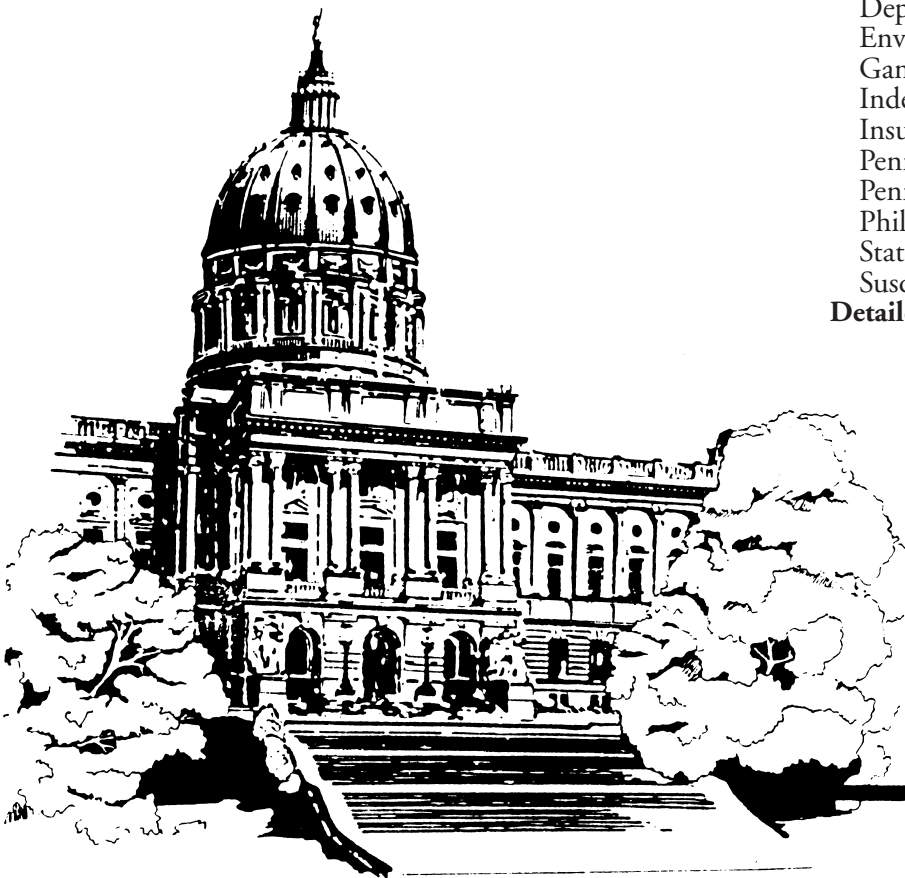


PENNSYLVANIA BULLETIN

Volume 43
Saturday, March 30, 2013 • Harrisburg, PA
Number 13
Pages 1689—1826

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No. 460, March 2013

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BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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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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THE GOVERNOR GOVERNOR'S OFFICE

[EXECUTIVE ORDER NO. 2013-01]

The Pennsylvania Alzheimer's Disease Planning Committee

February 7, 2013

Whereas, creation of a plan to address the epidemic of Alzheimer's disease and other related brain disorders in our Commonwealth is a major concern of this administration; and

Whereas, the Pennsylvania Department of Aging was created in 1978 by Act 70 as a cabinet-level state agency whose jurisdiction, powers and duties specifically concern and are directed to advancing the well-being of Pennsylvania's older citizens; and

Whereas, Act 70 authorizes the Department of Aging to "develop and periodically update a comprehensive plan for coordinating all major Commonwealth services, programs and activities which are directed towards persons with chronic physical or mental impairments which necessitate long-term care"; and

Whereas, Act 70 further authorizes the Department of Aging to: "maintain a clearinghouse of information related to the interests of older persons and provide technical assistance and consultation to all agencies, both public and private with respect to programs and services for older persons"; and

Whereas, Act 70 directs the Department of Aging to undertake "special advocacy efforts to promote greater awareness of, and more effective response to, the problems of persons with Alzheimer's disease and other related brain disorders"; and

Whereas, Alzheimer's disease currently affects one in twelve Pennsylvania families; and

Whereas, the interests of this Commonwealth would be best served by establishing a planning committee within the Department of Aging to develop a State Alzheimer's Plan that will serve as a comprehensive approach to addressing the growing Alzheimer's disease crisis.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Pennsylvania Alzheimer's Disease Planning Committee (hereinafter referred to as "Committee").

1. *Purpose*. The purpose of the Committee shall be to charge state agencies, to consult with residential and community care providers, professional and family caregivers and persons affected by Alzheimer's disease and related disorders to create a comprehensive plan for a thoughtful, integrated and cost-effective approach to addressing the needs of persons with Alzheimer's disease and other related brain disorders.

2. *Responsibilities*. The responsibilities of the Committee shall be to:

- a. Examine the needs and research the trends in the Pennsylvania's Alzheimer's population;
- b. Study existing resources for addressing the needs of persons with Alzheimer's disease, and their families and caregivers;
- c. Develop a strategy to mobilize the Commonwealth's response to the anticipated increase in incidence of Alzheimer's disease in Pennsylvania; and
- d. Make recommendations to the Governor.

3. *Composition*. The Secretary of Aging or a designee shall serve as the Chairperson and shall provide administrative support and other resources determined by the Secretary of Aging necessary to fulfill the requirements of this Executive Order. Other members of the Committee shall consist of:

- a. The majority and minority chairpersons of the Aging and Youth Committee and the Public Health and Welfare Committee of the Senate or their designees;
- b. The majority and minority chairpersons of the Aging and Older Adult Services Committee and the Health Committee of the House of Representatives or their designees; and

THE GOVERNOR

c. Certain other members appointed by the Governor who shall consist of: one person affected by Alzheimer's disease, one caregiver of a person with Alzheimer's disease; one family member of a person with Alzheimer's disease; one representative of the nursing home industry; one representative of the assisted living industry; one representative of the personal care home industry; one representative of the adult day-care services industry; one representative of the home care industry; one representative of the medical care provider community; one Alzheimer's disease researcher; one representative of a statewide Alzheimer's association; one representative each of the Pennsylvania Departments of Health and of Public Welfare; one representative of the hospice industry; one representative of a senior center; and one representative of the area agencies on aging.

4. *Terms of Membership.*

a. Members shall be appointed for terms of one year. All members appointed by the Governor shall serve at the pleasure of the Governor;

b. Committee vacancies that may occur shall be appointed in accordance with Section 3 of this Executive Order. Successors shall be appointed for the remainder of the original one year term; and

c. A member who is absent from two consecutive meetings of the Committee, without excuse, shall forfeit membership on the Committee, and a replacement member shall be appointed in accordance with Section 3 of this Executive Order.

5. *Compensation.* Members of the Committee shall receive no compensation for their service.

6. *Effective Date.* This Executive Order shall take effect immediately.

7. *Termination Date.* This Executive Order shall expire on November 30, 2013.



Governor

Fiscal Note: 2013-01. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-551. Filed for public inspection March 29, 2013, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA CODE CH. 71]

Proposed Amendment to Pennsylvania Bar Admission Rule 205

Notice is hereby given that the Pennsylvania Board of Law Examiners is considering recommending to the Pennsylvania Supreme Court that it amend Rule 205 of the Pennsylvania Bar Admission Rules concerning Admission of Foreign Attorneys and Graduates of Foreign Institutions as set forth in Annex A. Additions to the text of the rule are shown in bold, and deletions are in bold and brackets.

The proposed amendments address the requirements that are necessary for a graduate of a foreign law school to be eligible to sit for the Pennsylvania bar examination. The practice of law is becoming increasingly international in nature, and there is a need for increased geographic mobility of lawyers. The purpose of the amendments is to make the requirements for permission to take the Pennsylvania bar examination more flexible for qualified foreign attorneys while still maintaining the requirements that are necessary to establish the qualifications of a foreign attorney to sit for the bar examination.

The learning process associated with receiving a competent legal education from an accredited law school has been found to be a complimentary but necessary foundation for the added requirement of passing the bar examination. The Board of Law Examiners does not have a mechanism for monitoring the quality of legal education in foreign countries, and the Supreme Court has decided upon a combination of legal practice and taking a specific number of credits at an ABA accredited law school as a gauge of adequate legal preparation to permit a foreign attorney to take the bar examination.

The proposed amendments continue to maintain a practice and credit requirement for eligibility for a foreign attorney to sit for the bar examination while providing flexibility by allowing a foreign attorney to meet the practice requirement by the practice of law either in the foreign country or in another state, by reducing the total number of credits required from 30 to 24 and by reducing the number of mandatory courses while still ensuring that the required credits be earned from those core subjects that are tested on the bar examination. Additionally, the proposed amendment adds Legal Research and Writing as a required course along with Constitutional Law, Civil Procedure and Professional Responsibility and precludes the required credits from being earned at a foreign law school as part of a program of instruction offered by an accredited law school, or by correspondence, on-line courses or other distance learning courses.

Interested persons are invited to submit written comments regarding the proposed amendments to the Executive Director, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Av-

enue, Suite 3600, P. O. Box 62535, Harrisburg, PA 17106-2535, no later than April 30, 2013.

By *The Pennsylvania Board of Law Examiners*
Supreme Court of Pennsylvania

GICINE P. BRIGNOLA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 205. Admission of foreign attorneys and graduates of foreign institutions.

(a) *General rule.* The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to the admission of graduates of accredited and unaccredited institutions) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and [;]:

(1) who has been admitted to practice law in and is in good standing at the bar of a foreign country **or another state**, as evidenced by a certificate from the highest court or agency of such foreign country **or state** having jurisdiction over admission to the bar and the practice of law and

(2) who has for a period of five years of the last eight years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth engaged in the practice of law in such foreign country **or another state**. For purposes of this paragraph, the phrase "engaged in the practice of law" is defined as "devoting a major portion of one's time and energy to the rendering of legal services." **The term "practice of law" shall not include providing legal services when such services as undertaken constituted the unauthorized practice of law in the foreign country or state in which the legal services were performed or in the foreign country or state in which the clients receiving the unauthorized services were located.**

(b) *Law study required.* Unless otherwise provided by the Board, applicants who meet the provisions of subparagraph (a) of this [**Rule**] rule may apply to sit for the Pennsylvania Bar Examination provided they have successfully completed [**30**] **24** credit hours in an accredited American [**Law**] law school in the following subjects: Conflict of Laws; Constitutional Law; Contracts; Corporations; Criminal Law; Decedents' Estates; Evidence; Family Law; Federal and/or Pennsylvania Civil

Procedure; Federal Income Taxes (personal only); Professional Responsibility; Real Property; Torts; Uniform Commercial Code, Art. II—Sales; [**Uniform Commercial Code, Art. III—Commercial Paper; Uniform Commercial Code, Art. IX—Secured Transactions**] **Legal Research and Writing; and Employment Discrimination.** No more than 4 credit hours in any one subject shall be counted toward this requirement. In fulfilling this requirement, applicants must successfully complete up to 4 credits in each of the following subjects: Constitutional Law; [**Contracts; Criminal Law; Decedents' Estates; Evidence;**] Federal and/or Pennsylvania Civil Procedure; Professional Responsibility; [**Real Property; and Torts**] **and Legal Research and Writing.** All coursework for the required credit hours shall be completed at the campus of an accredited law school in the United States. No credit shall be allowed for correspondence courses, on-line courses, courses offered on any other media, or other distance learning courses.

[Pa.B. Doc. No. 13-552. Filed for public inspection March 29, 2013, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 19 AND 40]

Proposed Amendment of Pa.R.A.P. 1925 and Proposed Adoption of Pa.R.A.P. 4001—4007

The Appellate Court Procedural Rules Committee proposes to recommend amendment of Pa.R.A.P. 1925 and adoption of Pa.R.A.P. 4001—4007. This proposal is being submitted for public comment, suggestions, and concerns prior to submission to the Supreme Court.

Proposed new material is in bold face type and deleted material is bracketed and in bold face type.

All communications in reference to the proposed amendment should be sent no later than May 15, 2013 to:

Appellate Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P. O. Box 62635
Harrisburg, Pennsylvania 17106-2635
or Fax to
(717) 231-9551
or E-Mail to
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

By the Appellate Court
Procedural Rules Committee

HONORABLE RENÉE COHN JUBELIRER,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1925. Opinion in Support of Order.

(a) *Opinion in support of order.*

* * * * *

(2) *Children's fast track appeals.*—In a children's fast track appeal:

(i) The concise statement of errors complained of on appeal shall be filed and served with the notice of appeal required by Rule 905. See Pa.R.A.P. 905(a)(2).

(ii) Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by Rule 905(a)(2), the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not, refer to the transcript of the proceedings.

(3) *Appeals from courts-martial.*—In an appeal from a court-martial, the concise statement of errors complained of on appeal shall be filed and served with the notice of appeal. See Pa.R.A.P. 4004(b).

(b) *Direction to file statement of errors complained of on appeal; instructions to the appellant and the trial court.*—If the judge entering the order giving rise to the notice of appeal ("judge") desires clarification of the errors complained of on appeal, the judge may enter an order directing the appellant to file of record in the trial court and serve on the judge a concise statement of the errors complained of on appeal ("Statement").

* * * * *

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

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 40. APPEALS FROM COURTS-MARTIAL

Rule	
4001.	Scope of Chapter.
4002.	Manner of Taking Appeal.
4003.	Time for Appeal.
4004.	Content and Service of Notice of Appeal.
4005.	Filing of Notice of Appeal.
4006.	Opinion in Support of Ruling.
4007.	Record on Appeal.

Rule 4001. Scope of Chapter.

This Chapter shall apply to all appeals from a court-martial, as permitted by the Pennsylvania Code of Military Justice, 51 Pa.C.S. § 5100 *et seq.* Those Pennsylvania Rules of Appellate Procedure ancillary to the rules contained in this Chapter shall also be applicable, provided such application does not yield an inconsistent or absurd result with the Pennsylvania Rules of Appellate Procedure or the Pennsylvania Code of Military Justice.

Official Note: The Pennsylvania Code of Military Justice ("Code"), 51 Pa.C.S. § 5100 *et seq.*, provides for a right of appeal to the Superior Court from certain final

judgments of courts-martial and specific interlocutory orders. This right of appeal under the Code is applicable only to proceedings involving “state military forces” or members of the Pennsylvania National Guard not in a status subjecting them to the exclusive jurisdiction of the United States.

Rule 4002. Manner of Taking Appeal.

An appeal from a court-martial shall be taken by filing a notice of appeal with the State Judge Advocate for the respective branch of service in which the court-martial has been convened.

Rule 4003. Time for Appeal.

The notice of appeal required by Pa.R.A.P. 4002 shall be filed within the following time periods:

(a) A notice of appeal of a judgment of court-martial shall be filed within 30 days upon finality of judgment and issuance to the accused of a written advisement of right to appeal the judgment to the Superior Court.

(b) A notice of interlocutory appeal shall be filed within three days of the date of the order or ruling being appealed.

Rule 4004. Content and Service of Notice of Appeal.

(a) *Form.* The notice of appeal shall be substantially in the following form:

PENNSYLVANIA NATIONAL GUARD
COURT-MARTIAL

Commonwealth

v. Docket No. _____

Jonathon Doe, [rank], Defendant

NOTICE OF APPEAL

Notice is hereby given that [party name] appeals to the Superior Court of Pennsylvania from the final judgment/interlocutory order in this matter, dated _____, __ 20__ and rendered by _____.

The State Judge Advocate in this matter is _____, having an address of _____.

/s/ _____

(b) *Statement of errors complained of on appeal.* A concise statement of errors complained of on appeal in conformance with the following requirements shall be appended to the notice of appeal:

(1) The statement shall set forth only those errors intended to be challenged.

(2) The statement shall concisely identify each error intended to be challenged with sufficient detail to identify all pertinent issues for the authority that rendered those rulings or errors.

(3) Issues not included in the statement are waived.

(c) *Additional content for notice of interlocutory appeal.* When the Commonwealth appeals from an interlocutory order, the notice of appeal shall include a statement that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding. The notice of interlocutory appeal shall be accompanied by a request for transcript when the relevant proceedings have not

otherwise transcribed. The State Judge Advocate shall arrange for the necessary transcription and inclusion into the record.

(d) *Service.* A copy of the notice of appeal shall be served on all parties, the convening authority, and the presiding military judge if the appeal is from an interlocutory order.

Official Note: Pursuant to 51 Pa.C.S. § 5719(c), a copy of the record of proceedings, including a verbatim transcript of proceedings and testimony, of any general or special court-martial resulting in conviction shall be given to the accused as soon as it is authenticated. This requirement obviates the need to include a request for transcript with a notice of appeal of a final judgment of conviction. However, this statutory provision does not extend to interlocutory matters. Therefore, a notice of appeal of an interlocutory order must include a request for transcript, as required by Pa.R.A.P. 4004(c).

Rule 4005. Filing of Notice of Appeal.

(a) *Filing.* Three copies of the notice of appeal shall be filed with the State Judge Advocate, who immediately shall stamp it with the date of receipt, thereby constituting the date when the appeal was taken.

(b) *Transmission to Superior Court.* The State Judge Advocate immediately shall transmit a copy of the notice of appeal, together with the prescribed filing fee, to the Prothonotary of the Superior Court.

(c) *Transmission to decision-making authority.* The State Judge Advocate shall immediately transmit a copy of the notice of appeal to the authority responsible for rendering the complained of error.

Rule 4006. Opinion in Support of Ruling.

The authority that made the ruling giving rise to the complained of error shall file of record with the State Judge Advocate either:

(a) a brief opinion of the reasons for the ruling or other errors complained of; or

(b) specify in writing the place in the record where such reasons may be found.

If the case appealed involves a ruling issued by an authority who was not the authority entering the order giving rise to the notice of appeal, the authority entering the order giving rise to the notice of appeal may request that the authority who made the earlier ruling provide an opinion to be filed to explain the reasons for that ruling.

Rule 4007. Record on Appeal.

(a) *Responsible office.* The State Judge Advocate shall be responsible for the assembly and transmission of the record on appeal.

(b) *Composition of the record.* The record shall consist of:

(1) The duly authenticated record of the court-martial, including a verbatim transcript of the proceeding and testimony, the pleadings, and evidence.

(2) The order or ruling to be appealed, including any findings, report, or opinion upon which the determination is based.

(3) Submissions, recommendations, reviews, and orders arising from post-trial administrative review and action.

(4) A copy of the written advisement of right to appeal.

(5) Any opinion in support of the complained of erroneous ruling.

(c) *Certification and organization of record.* The State Judge Advocate or designee shall certify the contents of the record, which shall be organized with the documents arranged in chronological order, numbered, and affixed to the right or bottom edge of the first page of each document a tab showing the number of that document. Thereafter, the entirety shall be bound and shall contain a table of contents identifying each document in the record.

(d) *Time and notice.* The State Judge Advocate shall file the record with the Prothonotary of the Superior Court within 60 days after the filing date of the notice of appeal. The Superior Court may shorten or extend the time prescribed in this subdivision. Upon filing, the State Judge Advocate shall mail a copy of the list of record documents to all counsel or to the respective parties, if unrepresented.

(e) *Omissions from or misstatements of the record below.* If anything material to any party is omitted from the record or is misstated therein, the parties may at any time supply the omission or correct the misstatement by stipulation, or the Superior Court may at any time direct that the omission or misstatement be corrected and, if necessary, that a supplemental record be prepared and filed.

Explanatory Comment

Effective October 24, 2013, the current version of the Pennsylvania Code of Military Justice (“Code”), 51 Pa.C.S. § 5100 *et seq.*, will be repealed and replaced with a more modern, model Code. Pennsylvania is the fifteenth state to adopt the model Code in full or in part. Relevant to appellate procedure, the new Code provides for interlocutory appellate review by the Superior Court of certain rulings, as well as review of certain final judgments of courts-martial. *Id.* §§ 5910, 5919.

To provide a procedural mechanism to perfect an appeal from a military court-martial, and to ensure the preparation and transmission of the record, the Appellate Court Procedural Rules Committee (“Committee”) is proposing the adoption of a new Chapter 40 to the Pennsylvania Rules of Appellate Procedure with a correlative amendment to Pa.R.A.P. 1925(a). The Committee wishes to acknowledge the insight and assistance of the Pennsylvania National Guard and Pennsylvania Department of Military and Veterans Affairs in preparing this proposal.

[Pa.B. Doc. No. 13-553. Filed for public inspection March 29, 2013, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 7]

Order Amending Rule 708 and Revising the Comments to Rules 701, 704 and 707 of the Rules of Criminal Procedure; No. 427 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 15th day of March, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adop-

tion at 41 Pa.B. 1011 (February 26, 2011), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 967), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment to Pennsylvania Rule of Criminal Procedure 708 is adopted and the revisions to the Comments to Pennsylvania Rules of Criminal Procedure 701, 704, and 707 are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2013.

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES**

PART A. Sentencing Procedures

Rule 701. Pleas of Guilty to Multiple Offenses.

(A) Before the imposition of sentence, the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.

(B) When such pleas are accepted, the court shall sentence the defendant for all the offenses.

Comment

The objective of this rule is to enable [**consolidation of**] the court to sentence the defendant on all outstanding charges within the jurisdiction of the sentencing court [**for sentencing**] at one time.

This rule applies when a defendant is to be sentenced following a finding that the defendant violated probation or intermediate punishment, or when a defendant is to be recommitted following a finding that the defendant violated parole. See Rule 708(D) for the sentencing procedures in probation, intermediate punishment, or parole violation cases.

When a defendant is permitted to plead guilty to multiple offenses as provided in paragraph (A), if any of the other offenses involves a victim, the sentencing proceeding must be delayed to afford the Commonwealth adequate time to contact the victim(s), and to give the victim(s) an opportunity to offer prior comment on the sentencing or to submit a written and oral victim impact statement. See the Crime Victims Act, 18 P. S. § 11.201(5).

Official Note: Rule 1402 adopted July 23, 1973, effective 90 days hence; renumbered Rule 701 and amended March 1, 2000, effective April 1, 2001; **Comment revised March 15, 2013, effective May 1, 2013.**

Committee Explanatory Reports:

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

Final Report explaining the March 15, 2013 revision of the Comment concerning probation violation cases and the Crime Victims Act published with the Court’s Order at 43 Pa.B. 1705 (March 30, 2013).

Rule 704. Procedure at Time of Sentencing.

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Comment

* * * * *

Failure to sentence within the time specified in paragraph (A) may result in the discharge of the defendant. *See Commonwealth v. Anders*, **555 Pa. 467**, 725 A.2d 170 ([Pa.] 1999) (discharge is appropriate remedy for violation of Rule 1405 time limits, but only if the defendant can demonstrate that the delay in sentencing was prejudicial to the defendant).

ORAL MOTION FOR EXTRAORDINARY RELIEF

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SENTENCING PROCEDURES

Paragraph (C)(1) retains the former requirement that the judge afford the defendant an opportunity to make a statement and counsel the opportunity to present information and argument relative to sentencing. The defendant's right to allocution at sentencing is well established, and the trial judge must inform the defendant of that right. *See Commonwealth v. Thomas*, **520 Pa. 206**, 553 A.2d 918 ([Pa.] 1989).

The duty of the judge to explain to the defendant the rights set forth in paragraph (C)(3) is discussed in *Commonwealth v. Wilson*, **430 Pa. 1, 5**, 241 A.2d 760, 763 ([Pa.] 1968), and *Commonwealth v. Stewart*, **430 Pa. 7, 8**, 241 A.2d 764, 765 ([Pa.] 1968).

The judge should explain to the defendant, as clearly as possible, the timing requirements for making and deciding a post-sentence motion under Rule 720. The judge should also explain that the defendant may choose whether to file a post-sentence motion and appeal after the decision on the motion, or to pursue an appeal without first filing a post-sentence motion.

Paragraph (C)(3) requires the judge to ensure the defendant is advised of his or her rights concerning post-sentence motions and appeal, and the right to proceed with counsel. *See, e.g., Commonwealth v. Librizzi*, 810 A.2d 692 (Pa. Super. 2002).

The rule permits the use of a written colloquy that is read, completed, signed by the defendant, and made part of the record of the sentencing proceeding. This written colloquy must be supplemented by an on-the-record oral examination to determine that the defendant has been advised of the applicable rights enumerated in paragraph (C)(3) and that the defendant has signed the form.

Other, additional procedures are required by statute. *See, e.g., 42 Pa.C.S. [§ 9795 (b), which] § 9756(b)(3) that imposes requirements on the judge when a defendant may be eligible to participate in a re-entry plan and 42 Pa.C.S. § 9756(b.1) that imposes requirements on the judge when a defendant may be eligible for a recidivism risk reduction incentive (RRRI) minimum sentence; 42 Pa.C.S. § 9795.3 that requires the judge to inform certain offenders of the duty to register; and 42 Pa.C.S. § 9813 that imposes requirements on the judge when a defendant may be eligible for work release.*

After sentencing, following a conviction in a trial *de novo* in a summary case, the judge should advise the defendant of the right to appeal and the time limits within which to exercise that right, the right to proceed *in forma pauperis* and with appointed counsel to the extent provided in Rule 122(A), and of the qualified right to bail under Rule 521(B). *See* paragraphs (C)(3)(a), (b), and (e). *See also* Rule 720(D) (no post-sentence motion after a trial *de novo*).

After sentencing, the judge should inquire whether the defendant intends to file a post-sentence motion or to

appeal, and if so, should determine the defendant's bail status pursuant to paragraph (C)(3)(e) and Rule 521. It is recommended, when a state sentence has been imposed, that the judge permit a defendant who cannot make bail to remain incarcerated locally, at least for the 10-day period during which counsel may file the post-sentence motion. When new counsel has been appointed or entered an appearance for the purpose of pursuing a post-sentence motion or appeal, the judge should consider permitting the defendant to remain incarcerated locally for a longer period to allow new counsel time to confer with the defendant and become familiar with the case. *See also* Rule 120 (Attorneys—Appearances and Withdrawals).

It is difficult to set forth all the standards that a judge must utilize and consider in imposing sentence. It is recommended that, at a minimum, the judge look to the standards and guidelines as specified by statutory law. *See* the Judicial Code, 42 Pa.C.S. § 9701 *et seq.* *See also Commonwealth v. Riggins*, **474 Pa. 115**, 377 A.2d 140 ([Pa.] 1977) and *Commonwealth v. Devers*, **519 Pa. 88**, 546 A.2d 12 ([Pa.] 1988). The judge also should consider other preexisting orders imposed on the defendant. *See* 18 Pa.C.S. § 1106(c)(2)(iv). *And see* 42 Pa.C.S. § 9728.

In all cases in which restitution is imposed, the sentencing judge must state on the record the amount of restitution, if determined at the time of sentencing, or the basis for determining an amount of restitution. *See* 18 Pa.C.S. § 1106 and 42 Pa.C.S. §§ 9721, 9728.

For the right of a victim to have information included in the pre-sentence investigation report concerning the impact of the crime upon him or her, see 71 P.S. § 180-9.3(1) and Rule 702(A)(4).

For the duty of the sentencing judge to state on the record the reasons for the sentence imposed, see *Commonwealth v. Riggins*, **474 Pa. 115**, 377 A.2d 140 ([Pa.] 1977) and *Commonwealth v. Devers*, **519 Pa. 88**, 546 A.2d 12 ([Pa.] 1988). If the sentence initially imposed is modified pursuant to Rule 720(B)(1)(a)(v), the sentencing judge should ensure that the reasons for the ultimate sentence appear on the record. *See also* Sentencing Guidelines, 204 PA. CODE §§ 303.1(b), 303.1(h), and 303.3(2).

In cases in which a mandatory sentence is provided by law, when the judge decides not to impose a sentence greater than the mandatory sentence, regardless of the number of charges on which the defendant could be sentenced consecutively, and when no psychiatric or psychological examination is required under Rule 702(B), the judge may immediately impose that sentence. *But see* Rule 702(A)(2), which requires that the court state on the record the reasons for dispensing with a pre-sentence report under the circumstances enumerated therein. *See also* 42 Pa.C.S. § 9721 *et seq.*

No later than 30 days after the date of sentencing, a Pennsylvania Commission on Sentencing Guideline Sentence Form must be completed at the judge's direction and made a part of the record. In addition, a copy of the form must be forwarded to the Commission on Sentencing. 204 PA. CODE § 303.1(e) [, effective July 13, 1997. *See 27 Pa.B. 1254 (March 15, 1997)*].

With respect to the recording and transcribing of court proceedings, including sentencing, see Rule 115.

Official Note: Previous Rule 1405 approved July 23, 1973, effective 90 days hence; Comment amended June

30, 1975, effective immediately; Comment amended and paragraphs (c) and (d) added June 29, 1977, effective September 1, 1977; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment amended April 24, 1981, effective July 1, 1981; Comment amended November 1, 1991, effective January 1, 1992; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1405. Present Rule 1405 adopted March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended January 3, 1995, effective immediately; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996. Comment revised December 22, 1995, effective February 1, 1996. The April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; Comment revised April 18, 1997, effective immediately; Comment revised January 9, 1998, effective immediately; amended July 15, 1999, effective January 1, 2000; renumbered Rule 704 and amended March 1, 2000, effective April 1, 2001; Comment revised March 27, 2003, effective July 1, 2003; amended April 28, 2005, effective August 1, 2005; **Comment revised March 15, 2013 effective May 1, 2103.**

Committee Explanatory Reports:

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Final Report explaining the March 15, 2013 revision of the Comment adding citations to the Sentencing Code published with the Court's Order at 43 Pa.B. 1705 (March 30, 2013).

Rule 707. Documents Transmitted to Prison.

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Comment

It is intended that the confidentiality of such reports remain as secure after they have been delivered pursuant to this rule as at any previous stage. *Cf.* Rule 703.

See also 42 Pa.C.S. § 9764(b) that requires the court within 10 days of sentencing to provide specific information to the county correctional facility.

Official Note: Rule 1408 adopted July 23, 1973, effective 90 days hence; renumbered Rule 707 and amended March 1, 2000, effective April 1, 2001; **Comment revised March 15, 2013, effective May 1, 2013.**

Committee Explanatory Reports:

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

Final Report explaining the March 15, 2013 revision of the Comment adding citations to the Sentencing Code published with the Court's Order at 43 Pa.B. 1705 (March 30, 2013).

Rule 708. Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition.

(A) A written request for revocation shall be filed with the clerk of courts.

(B) Whenever a defendant has been sentenced to probation or intermediate punishment, or placed on parole, the judge shall not revoke such probation, intermediate punishment, or parole as allowed by law unless there has been:

(1) a hearing held as speedily as possible at which the defendant is present and represented by counsel; and

(2) a finding of record that the defendant violated a condition of probation, intermediate punishment, or parole.

(C) Before the imposition of sentence,

(1) the defendant may plead guilty to other offenses that the defendant committed within the jurisdiction of the sentencing court.

(2) When such pleas are accepted, the court shall sentence the defendant for all the offenses.

(D) Sentencing Procedures

* * * * *

[(D)] (E) Motion to Modify Sentence

A motion to modify a sentence imposed after a revocation shall be filed within 10 days of the date of imposition. The filing of a motion to modify sentence will not toll the 30-day appeal period.

Comment

This rule addresses *Gagnon II* revocation hearings only, and not the procedures for determining probable cause (*Gagnon I*). *See Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

Paragraph (A) requires that the *Gagnon II* proceeding be initiated by a written request for revocation filed with the clerk of courts.

The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in this rule. However, the judge need not wait for disposition of new criminal charges to hold such hearing. *See Commonwealth v. Kates*, 452 Pa. 102, 305 A.2d 701 [Pa.] 1973).

This rule does not govern parole cases under the jurisdiction of the Pennsylvania Board of Probation and Parole, but applies only to the defendants who can be paroled by a judge. *See* 61 P.S. § 314. *See also Georgevich v. Court of Common Pleas of Allegheny County*, 510 Pa. 285, 507 A.2d 812 [Pa.] 1986).

This rule was amended in 1996 to include sentences of intermediate punishment. *See* 42 Pa.C.S. §§ [763] 9763 and 9773. Rules 704, 720, and 721 do not apply to revocation cases.

The objective of the procedures enumerated in paragraph (C) is to enable the court to sentence the defendant on all outstanding charges within the jurisdiction of the sentencing court at one time. See Rule 701.

When a defendant is permitted to plead guilty to multiple offenses as provided in paragraph (C), if any of the other offenses involves a victim, the sentencing proceeding must be delayed to afford the Commonwealth adequate time to contact the victim(s), and to give the victim(s) an opportunity to offer prior comment on the sentencing or to submit a written and oral victim impact statement. See the Crime Victims Act, 18 P. S. § 11.201(5).

Issues properly preserved at the sentencing proceeding need not, but may, be raised again in a motion to modify sentence in order to preserve them for appeal. In deciding whether to move to modify sentence, counsel must carefully consider whether the record created at the sentencing proceeding is adequate for appellate review of the issues, or the issues may be waived. *See Commonwealth*

v. Jarvis, 444 Pa. Super. 295, 663 A.2d 790, 791-2, n.1 ([Pa. Super.] 1995). As a general rule, the motion to modify sentence under paragraph [(D)] (E) gives the sentencing judge the earliest opportunity to modify the sentence. This procedure does not affect the court's inherent powers to correct an illegal sentence or obvious and patent mistakes in its orders at any time before appeal or upon remand by the appellate court. *See, e.g., Commonwealth v. Jones*, 520 Pa. 385, 554 A.2d 50 ([Pa.] 1989) (sentencing court can, *sua sponte*, correct an illegal sentence even after the defendant has begun serving the original sentence) and *Commonwealth v. Cole*, 437 Pa. 288, 263 A.2d 339 ([Pa.] 1970) (inherent power of the court to correct obvious and patent mistakes).

Under this rule, the mere filing of a motion to modify sentence does not affect the running of the 30-day period for filing a timely notice of appeal. Any appeal must be filed within the 30-day appeal period unless the sentencing judge within 30 days of the imposition of sentence expressly grants reconsideration or vacates the sentence. *See Commonwealth v. Coleman*, 721 A.2d 798, 799, fn.2 (Pa. Super. 1998). *See also* Pa.R.A.P. 1701(b)(3).

Once a sentence has been modified or [**reimposed**] **re-imposed** pursuant to a motion to modify sentence under paragraph [(D)] (E), a party wishing to challenge the decision on the motion does not have to file an additional motion to modify sentence in order to preserve an issue for appeal, as long as the issue was properly preserved at the time sentence was modified or [**reimposed**] **re-imposed**.

Official Note: Former Rule 1409 adopted July 23, 1973, effective 90 days hence; amended May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; Comment revised November 1, 1991, effective January 1, 1992; amended September 26, 1996, effective January 1, 1997; Comment revised August 22, 1997, effective January 1, 1998; renumbered Rule 708 and amended March 1, 2000, effective April 1, 2001; amended February 26, 2002, effective July 1, 2002; **amended March 15, 2013, effective May 1, 2013.**

Committee Explanatory Reports:

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

Final Report explaining the February 26, 2002 amendments concerning the 30-day appeal period published with the Court's Order at 32 Pa.B. 1394 (March 16, 2002).

Final Report explaining the March 15, 2013 amendments to paragraph (C) concerning multiple guilty pleas and the Comment concerning the Crime Victims Act published at 43 Pa.B. 1705 (March 30, 2013).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 708 and Revision of the Comments to Pa.Rs.Crim.P. 701, 704, and 707

Pleas of Guilty to Multiple Offenses; Crime Victims Act; Citations to Sentencing Code

On March 15, 2013, effective May 1, 2013, upon the recommendation of the Criminal Procedural Rules Com-

mittee, the Court approved several changes to the rules in Chapter 7 of the Rules of Criminal Procedure. The first part of these changes is the amendment of Rule of Criminal Procedure 708 and the revision of the Comment to Rule of Criminal Procedure 701 to make it clear that a defendant at the time of sentencing in probation, intermediate punishment, or parole violation cases also may plead guilty to other offenses the defendant has committed that are within the jurisdiction of the sentencing court. The second part is the revision of the Comments to Rules 701 and 708 to alert the bench and bar to the requirements of the Crime Victims Act in the context of guilty pleas to multiple offenses. The third part is the revision of the Comments to Rules 704 and 707 to alert the bench and bar to changes to the Sentencing Code.

Part I

The Committee undertook a review of Rules 701 (Pleas of Guilty to Multiple Offenses) and 708 (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition) after receiving inquiries asking whether a defendant who is being sentenced for a probation, intermediate punishment, or parole violation would be permitted to plead guilty to other offenses pursuant to Rule 701.

Rule 701 permits a defendant, before the imposition of sentence, to plead guilty to other offenses the defendant has committed that are within the jurisdiction of the sentencing court. The Rule 701 Comment explains the objective of this rule is "to enable consolidation of all outstanding charges within the jurisdiction of the sentencing court for sentencing at one time."

When Rule 701 was adopted in 1973,² the Committee observed that the rule reflected sound sentencing policy, noting that this is consistent with the positions of the American Bar Association, the Pennsylvania Bar Association, and the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals. The benefits of this policy are stated in the *ABA Standards for Criminal Justice*, Chapter 14—Pleas of Guilty, Standard 14.1.2 (1999) Commentary:

Allowing for consolidated guilty pleas enables a defendant to be sentenced simultaneously on all charges that he or she is facing in that government's courts. This reduces the governmental resources that must be devoted to the cases, while also allowing the defendant to take full advantage of any concurrent sentencing options that may be available. By pleading to all offenses simultaneously, the defendant can complete his or her sentence without facing these additional charges, and can avoid the risk of having a detainer filed against the defendant on these other charges while serving his or her sentence.

Rule 708(C) (Violation of Probation, Intermediate Punishment, or Parole: Hearing and Disposition) provides sentencing procedures comparable to paragraph (C) of Rule 704 (Procedure at Time of Sentencing). The Committee reasoned that the provisions of Rule 701 should apply to sentencing proceedings following trials and probation, intermediate punishment, or parole violations since the sentencing proceeding in a probation violation case is comparable to a sentencing proceeding following a trial. They also believe the same reasons articulated in support of permitting pleas to multiple offenses after trial apply equally well to sentencing in probation, intermediate punishment, and parole violation cases. Furthermore, the

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

² Rule 701, originally numbered Rule 1402, was renumbered Rule 701 in 2000 as part of comprehensive renumbering and reorganization of the Rules.

members noted that this practice already is occurring in a number of judicial districts. However, because there appears to be confusion among some members of the bench and bar, the Committee members agreed that clarifying language should be added to the Rule 701 Comment and to Rule 708. Accordingly, the Rule 701 Comment has been revised by the addition of a new paragraph that states that Rule 701 applies in sentencing proceedings under Rule 708. Rule 708 is amended by adding a new paragraph (C) that incorporates the procedures in Rule 701 for a defendant to plead guilty to other offenses the defendant has committed within the jurisdiction of the sentencing court.

Part II

During the Committee's consideration of Rules 701 and 708, some members observed that neither rule specifically recognizes the provisions of the Crime Victims Act, 18 P. S. § 11.201(5), that requires, *inter alia*, that victims be given an opportunity to offer comment about the defendant's sentence prior to the sentencing. Without some accommodation for delay in sentencing in Rules 701 and 708, the case could run afoul of the Crime Victims Act. The addition of a reference to the Crime Victims Act in the Comments to both Rules 701 and 708 would ensure that the bench and bar are aware of their responsibilities under the Crime Victims Act. The new Comment provisions make it clear that the sentencing proceeding must be delayed when there is a victim for any of the other offenses to which the defendant is pleading guilty. The Comment explains the delay is necessary to afford the Commonwealth adequate time to contact the victim and give the victim an opportunity to offer input as required by the Crime Victims Act, and includes a citation to the Act.

As a result of the publication of Parts I and II of these amendments, the Committee was made aware that the terminology used in Rule 708 could be interpreted incorrectly as providing for sentencing following a parole violation and therefore modified the amendment to state that, rather than being "sentenced," the defendant would be recommitted to serve the balance of the sentence.

Part III

As part of the Committee's ongoing monitoring of legislation, the members reviewed the "prison reform package" (Acts 81, 82, 83, and 84 of 2008) that amended, *inter alia*, Title 42 by making changes that relate to place of confinement, aggregation of consecutive sentences, work release, early parole, State Intermediate punishment, prisoner information, recidivism risk reduction incentives (RRRI), and parole guidelines. Other changes were made to Title 44 that relate to the new "Recidivism Risk Reduction Incentive" program, and to Title 61 that relate to, *inter alia*, medical release, temporary transfer of prisoners, administrative parole. The Committee noted that some of the changes impose requirements on judges at the time of sentencing or subsequent to the sentencing proceeding.

Generally, in the past, the Committee has not recommended changes to the rules every time there is a statute enacted imposing requirements for sentencing. Occasionally, however, the Committee has proposed revisions to a Comment to alert the bench and bar to a statute, such as was done in 1997, when the Court approved revisions to the Comments to then-Rules 1403 and 1405 (now Rules

702 and 704) that recognized that there are statutes that require additional sentencing procedures.³

After thoroughly reviewing the "prison reform package," the Committee agreed the rules should reference some of the sentencing provisions as an aide to the bench and bar. The Comment to Rule 704 has been revised to include a cross-reference to 42 Pa.C.S. § 9756(b)(3) concerning the new requirements being imposed on the judge when a defendant may be eligible to participate in a re-entry plan and to 42 Pa.C.S. § 9756 (b.1) concerning the new requirements being imposed on the judge when a defendant may be eligible for a recidivism risk reduction incentive (RRRI) minimum sentence. Additionally, the Rule 704 Comment has been revised to cross-reference 42 Pa.C.S. § 9813 concerning the new requirements being imposed on the judge when a defendant may be eligible for work release.

In addition to the new requirements related to sentencing procedures, the "prison reform package" also added the requirement that a judge must provide certain information to the county correctional facility after sentencing. Rule 707 requires that certain documents must be sent to the correctional facility when the sentence imposed includes a sentence of imprisonment of two years or more. Because the statutory provision is more narrowly drawn and imposes a time within which the information is to be provided, the Rule 707 Comment has been revised to add a cross-reference to 42 Pa.C.S. § 9764(b) that requires the court within 10 days of sentencing to provide specified information to the county correctional facility.

[Pa.B. Doc. No. 13-554. Filed for public inspection March 29, 2013, 9:00 a.m.]

SUPREME COURT

Order Specifying the Form and Content of Petitions for Approval of Indicting Grand Jury Pursuant to Rules 556—556.12 and Order No. 414 of the Criminal Procedural Rules Docket; No. 426 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 12th day of March, 2013, in order to implement Rule 556 through 556.12 of the Rules of Criminal Procedure and the order dated June 21, 2012 entered at No. 414 of the Criminal Procedural Rules Docket:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the form and content of petitions requesting permission to summon an indicting grand jury shall be as follows:

(1) The petition shall identify the petitioner, who shall be either the President Judge or a designee, and the judicial district. If the petition is seeking permission to summon an indicting grand jury in a two-county judicial district, and the indicting grand jury is sought for only

³ In the Committee's Report, 27 Pa.B. 2122 (May 3, 1997), the Committee explained "the Comment revisions alert the bench and bar to statutory enactments containing additional pre-sentencing and sentencing procedures for special classes of offenders. Act 1995-21 (Special Session No. 1) amended 42 Pa.C.S. § 9714(c) to require that a hearing be held for an offender presumed to be a 'high risk dangerous offender.' Act 1995-24 (Special Session No. 1), 42 Pa.C.S. §§ 9791—9799.5, provides for a presentence assessment and hearing to determine whether an offender is a 'sexually violent predator.'"

one county, that county shall be identified in the petition. The President Judge's designee shall be a member of the Court of Common Pleas of the judicial district.

(2) The petition shall aver that the petitioner has reviewed the District Attorney's certificate (see paragraphs 4 and 5) and the petitioner agrees with the averments contained therein.

(3) An original and 2 copies of the petition shall be filed, and shall bear an original signature of the petitioner.

(4) There shall be appended to the petition a certificate from the district attorney for the judicial district or, in the case of a two-county judicial district, a certificate from the District Attorney or District Attorneys for the county or counties within the judicial district.

(5) The District Attorney's certificate shall contain:

(a) The name and county of the District Attorney;

(b) An averment that witness intimidation has occurred, is occurring, or is likely to occur in the judicial district or, in the case of a two-county district where an indicting grand jury is only sought for one county, the county;

(c) An averment that the District Attorney believes that an indicting grand jury will remedy the problem of witness intimidation.

(d) The original signature of the District Attorney.

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

[Pa.B. Doc. No. 13-555. Filed for public inspection March 29, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 16th Judicial District; No. 331 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 12th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 16th Judicial District (Somerset County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 16-3-01, 16-3-02, 16-3-03, 16-3-05, and 16-3-06, within Somerset County, to be effective July 1, 2013, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 16-3-01	Boswell Borough
Magisterial District Judge	Indian Lake Borough
Susan Mankamyser	Jennerstown Borough
	Stoystown Borough
	Conemaugh Township
	Jenner Township
	Quemahoning Township
	Stonycreek Township

Magisterial District 16-3-02	Benson Borough
Magisterial District Judge	Central City Borough
(Vacant) Cannoni	Hooversville Borough
	Paint Borough
	Windber Borough
	Ogle Township
	Paint Township
	Shade Township
Magisterial District 16-3-03	Somerset Borough
Magisterial District Judge	Lincoln Township
Kenneth W. Johnson	Somerset Township
Magisterial District 16-3-05	Addison Borough
Magisterial District Judge	Casselman Borough
Sandra L. Stevanus	Confluence Borough
	New Centerville Borough
	Rockwood Borough
	Seven Springs Borough
	Ursina Borough
	Addison Township
	Black Township
	Jefferson Township
	Lower Turkeyfoot Township
	Middlecreek Township
	Milford Township
	Upper Turkeyfoot Township
Magisterial District 16-3-06	Berlin Borough
Magisterial District Judge	Callimont Borough
Douglas McCall Bell	Garrett Borough
	Meyersdale Borough
	New Baltimore Borough
	Salisbury Borough
	Wellersburg Borough
	Allegheny Township
	Brothersvalley Township
	Elk Lick Township
	Fairhope Township
	Greenville Township
	Larimer Township
	Northampton Township
	Southampton Township
	Summit Township

[Pa.B. Doc. No. 13-556. Filed for public inspection March 29, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 21st Judicial District; No. 330 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 12th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 21st Judicial District (Schuylkill County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 21-2-01, 21-3-01, 21-3-03, 21-3-04, 21-3-05, 21-3-06 and 21-3-07, within Schuylkill County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Reestablishment of the Magisterial Districts within the 53rd Judicial District; No. 327 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 12th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 53rd Judicial District (Lawrence County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 53-3-03, within Lawrence County, to be effective January 1, 2018, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 53-3-01 and 53-3-04, within Lawrence County, to be effective January 1, 2018, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 53-1-01 and 53-3-02, within Lawrence County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

- Magisterial District 53-1-01 City of New Castle (Wards 1—5, 7, and 8)
Magisterial District Judge Melissa A. Amodie
- Magisterial District 53-3-01 Ellport Borough
Magisterial District Judge Jerry G. Cartwright, Jr. Ellwood City Borough
Enon Valley Borough
New Beaver Borough
Wampum Borough
Little Beaver Township
Perry Township
Slippery Rock Township
Wayne Township
- Magisterial District 53-3-02 City of New Castle (Ward 6)
Magisterial District Judge Jennifer L. Nicholson Bessemer Borough
SNPJ Borough
Mahoning Township
North Beaver Township
Taylor Township
Union Township
- Magisterial District 53-3-04 New Wilmington Borough
Magisterial District Judge Scott McGrath Volant Borough
Hickory Township
Neshannock Township
Plain Grove Township
Pulaski Township
Scott Township
Shenango Township
Washington Township
Wilmington Township

[Pa.B. Doc. No. 13-559. Filed for public inspection March 29, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 55th Judicial District; No. 329 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 12th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 55th Judicial District (Potter County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 55-3-01, 55-4-01 and 55-4-03, within Potter County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

- Magisterial District 55-3-01 Austin Borough
Magisterial District Judge Annette L. Easton Coudersport Borough
Eulalia Township
Homer Township
Keating Township
Portage Township
Summit Township
Sweden Township
Sylvania Township
Wharton Township
- Magisterial District 55-4-01 Oswayo Borough
Magisterial District Judge Kari A. Stubbs Shinglehouse Borough
Allegany Township
Clara Township
Genesee Township
Hebron Township
Pleasant Valley Township
Roulette Township
Sharon Township
- Magisterial District 55-4-03 Galeton Borough
Magisterial District Judge Delores G. Bristol Ulysses Borough
Abbott Township
Bingham Township
Harrison Township
Hector Township
Pike Township
Stewardson Township
Ulysses Township
West Branch Township

[Pa.B. Doc. No. 13-560. Filed for public inspection March 29, 2013, 9:00 a.m.]

PROPOSED RULEMAKINGS

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend Chapter 141, Appendix G (relating to hunting hours) by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2013-2014 hunting license year. The Commission is also proposing to amend § 141.4 (relating to hunting hours) to add feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to "big game."

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Each year there is a shift in calendar days for each month. As a result of this occurrence, the time tables in Appendix G must be amended and updated on an annual basis to accurately reflect the upcoming year's dates and hours for legal hunting. The Commission is proposing to amend Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2013-2014 hunting license year. The Commission is also proposing to amend § 141.4 to add feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to "big game" to maintain consistency with § 139.4 (relating to seasons and bag limits for the license year).

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 and Appendix G were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Appendix G by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2013-2014 hunting license year. The proposed rulemaking will also amend § 141.4 by adding feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to "big game."

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2013-2014 hunting year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The effective dates of the replacement of the current hunting hours table and migratory bird hunting hours table in Appendix G are July 1, 2013, to June 30, 2014. The proposed amendments to § 141.4 will be effective upon final-form publication in the *Pennsylvania Bulletin* and remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-352. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and [**animals**] **mammals** may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

(1) During the regular antlered and antlerless deer seasons, it is unlawful to take or attempt to take other wild birds or mammals except game birds on regulated hunting grounds, migratory waterfowl, coyotes, **feral swine, wild boar** and bear. Coyotes may be hunted from the first day to the last day inclusive of any [**deer or bear**] **big game** season only by persons who possess a valid furtaker's license, or by persons lawfully engaged in hunting [**deer or bear**] **big game** who have a valid tag. **Feral swine and wild boar may be taken from the first day to the last day inclusive of any big game season only by persons lawfully engaged in hunting big game who have a valid tag.**

* * * * *

APPENDIX G. HUNTING HOURS

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of the tables which appear in 58 Pa. Code pages 141-33—141-35, serial pages (361987)—(361989) and replace them with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 30, 2013 THROUGH JULY 5, 2014**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 30—July 6	5:09	9:02
July 7—13	5:13	8:59
July 14—20	5:19	8:55
July 21—27	5:25	8:49
July 28—Aug. 3	5:31	8:42
Aug. 4—10	5:38	8:33
Aug. 11—17	5:44	8:24
Aug. 18—24	5:51	8:14
Aug. 25—31	5:58	8:03
Sept 1—7	6:04	7:52
Sept. 8—14	6:11	7:41
Sept. 15—21	6:17	7:29
Sept. 22—28	6:24	7:17
Sept. 29—Oct. 5	6:31	7:06
Oct. 6—12	6:38	6:55
Oct. 13—19	6:45	6:45
Oct. 20—26	6:53	6:35
Oct. 27—Nov. 2	7:01	6:27
Nov. 3— 9 *Ends	6:09	5:21
Nov. 10—16	6:17	5:13
Nov. 17—23	6:25	5:09
Nov. 24—30	6:32	5:06
Dec. 1—7	6:39	5:05
Dec. 8—14	6:45	5:04
Dec. 15—21	6:49	5:09
Dec. 22—28	6:52	5:11
Dec. 29—Jan. 4	6:53	5:14
Jan. 5—11	6:53	5:20
Jan. 12—18	6:51	5:27
Jan. 19—25	6:49	5:35
Jan. 26—Feb. 1	6:44	5:43
Feb. 2—8	6:38	5:51
Feb. 9—15	6:31	6:00
Feb. 16—22	6:22	6:08
Feb. 23—Mar. 1	6:13	6:14
Mar. 2—8	6:02	6:24
Mar. 9—15 *Begins	6:52	7:31
Mar. 16—22	6:41	7:38
Mar. 23—29	6:29	7:46
Mar. 30—Apr. 5	6:18	7:53

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Apr. 6—12	6:07	8:00
Apr. 13—19	5:56	8:07
Apr. 20—26	5:46	8:14
Apr. 27—May 3	5:36	8:20
May 4—10	5:27	8:28
May 11—17	5:19	8:35
May 18—24	5:13	8:42
May 25—31	5:08	8:48
June 1—7	5:04	8:53
June 8—14	5:02	8:58
June 15—21	5:02	9:01
June 22—28	5:04	9:03
June 29—July 5	5:08	9:02
*Daylight Saving Time		

**MIGRATORY GAME BIRD HUNTING HOURS
TABLE**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 1—7	6:04	7:22
Sept. 8—14	6:11	7:11
Sept. 15—21	6:17	6:59
Sept. 22—28	6:24	6:47
Sept. 29—Oct. 5	6:31	6:36
Oct. 6—12	6:38	6:25
Oct. 13—19	6:45	6:15
Oct. 20—26	6:53	6:05
Oct. 27—Nov. 2	7:01	5:57
Nov. 3—9 *Ends	6:09	4:51
Nov. 10—16	6:17	4:43
Nov. 17—23	6:25	4:39
Nov. 24—30	6:32	4:36
Dec. 1—7	6:39	4:35
Dec. 8—14	6:45	4:34
Dec. 15—21	6:49	4:39
Dec. 22—28	6:52	4:41
Dec. 29—Jan. 4	6:53	4:44
Jan. 5—11	6:53	4:50
Jan. 12—18	6:51	4:57
Jan. 19—25	6:49	5:05
Jan. 26—Feb. 1	6:44	5:13
Feb. 2—8	6:38	5:21
Feb. 9—15	6:31	5:30
Feb. 16—22	6:22	5:38
Feb. 23—Mar. 1	6:13	5:44
Mar. 2—8	6:02	5:54
Mar. 9—15 *Begins	6:52	7:01
Mar. 16—22	6:41	7:08
Mar. 23—29	6:29	7:16

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Mar. 30—Apr. 5	6:18	7:23
Apr. 6—12	6:07	7:30
Apr. 13—19	5:56	7:37

*Daylight Saving Time

[Pa.B. Doc. No. 13-561. Filed for public inspection March 29, 2013, 9:00 a.m.]

[58 PA. CODE CH. 139]
Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2013-2014 hunting license year.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2013-2014 seasons and daily season and possession limits are similar to those set in 2012-2013, the 2013-2014 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth.

Due to a shift in the 2013 calendar dates season opening dates are about 1 week later than in 2012. Proposed changes to small game seasons include reopening snowshoe hare hunting Statewide with a daily bag of one hare.

In regard to wild turkey season changes, 2013 marks the third year of the hen harvest rate and survival study. The study design provided for 2 years (2011 and 2012) of a 2-week fall season in Study Area 1 (wildlife management units (WMU) 2C, 2E, 4A, 4B and 4D) and a 3-week fall season in Study Area 2 (WMUs 2F and 2G), followed by switching season lengths between study areas and maintaining this structure for 2 additional years (2013 and 2014). The proposed changes to these seven WMUs accomplish the purposes of the “cross-over” design. Simultaneously increasing the season length in Study Area 1 and shortening the season length in Study Area 2 will allow the Commission to detect differences in harvest rates within study areas, as well as any differences in the pattern of change between study areas, thereby improving the management of the wild turkey.

Four changes to the extended bear hunting season are proposed: 1) add a Wednesday—Saturday extended season in WMU 4B; 2) move the opening day of the extended in WMU 3D from Wednesday to Monday; 3) eliminate the Monday—Saturday extended season in portions of WMUs 3B and 2G and replace them with a Monday—Saturday extended season open in WMU 3B; and 4) eliminate separate opening days that occur in different portions of WMU 4E and implement a Wednesday—Saturday extended season in WMU 4E.

Concerning furbearer seasons, the Commission is proposing to increase the daily and season bag limit for beaver to 20 daily, 20 per season in WMUs 2C and 5C. Increases in nuisance complaints warrant this change which is consistent with the Beaver Management Plan. Also, the numbers and density of incidental fisher captures during the past 2 years in WMUs 3A, 3D and 4E are comparable to those observed in WMUs currently open to harvest and would warrant adding these WMUs to the list of WMUs with an established fisher trapping season.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking. . . .” The amendments to § 139.4 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2013-2014 license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2013-2014 license year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2013, to June 30, 2014.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-350. No fiscal impact; (8) recommends adoption.

(Editor’s Note: As part of this proposed rulemaking, the Commission is replacing the table which appears in 58 Pa. Code pages 139-3—139-14, serial pages (361953)—(361964) with the following table.)

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

(SEASONS AND BAG LIMITS TABLE)
**2013-2014 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,
 FIELD POSSESSION LIMIT AND SEASON LIMIT**
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Sept. 7	Sept. 13	6	12
Squirrels—(Combined species)	Sept. 14	Nov. 30	6	12
	Dec. 16	and Dec. 24		
	Dec. 26	and Feb. 22, 2014		
Ruffed Grouse	Oct. 19	Nov. 30	2	4
	Dec. 16	and Dec. 24		
	Dec. 26	and Jan. 25, 2014		
Rabbits, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 19	4	8
Rabbits, Cottontail	Oct. 26	Nov. 30	4	8
	Dec. 16	and Dec. 24		
	Dec. 26	and Feb. 22, 2014		
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 19	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12	Oct. 19	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 26	Nov. 30	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 26	Nov. 30	2	4
	Dec. 16	and Dec. 24		
	Dec. 26	and Feb. 1, 2014		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 26	Nov. 30	4	8

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Hares (Snowshoe Rabbits) or Varying Hares in WMUs 3B, 3C and 3D	Dec. 26	Dec. 28	1	2
Hares (Snowshoe Rabbits) or Varying Hares—in WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D	Dec. 26	Jan. 1, 2014	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupines Season closed during the overlap with the regular firearms deer seasons.	Sept. 1	Mar. 31, 2014	3	10
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMU 1B	Nov. 2	Nov. 9		
	Nov. 28	Nov. 30		
WMUs 1A, 2A and 2D	Nov. 2	Nov. 16		
	Nov. 28	Nov. 30		
WMUs 2C, 2E, 4A, 4B and 4D	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMUs 2F and 2G	Nov. 2	Nov. 16		
	Nov. 28	Nov. 30		
WMUs 3A, 3B, 3C, 3D, 4C and 4E	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMU 5A	Nov. 5	Nov. 7		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	May 3, 2014	May 17, 2014	1	2
			May be hunted 1/2 hour before sunrise to 12 noon	
	May 19, 2014	May 31, 2014		
			May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 26, 2014		1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about August 27 and September 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 5	April 6, 2014	Unlimited	
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons.		Unlimited	

FALCONRY

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2014	6	12
Quail	Sept. 1	Mar. 31, 2014	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2014	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2014	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2014	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2014	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 5	Nov. 16	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 11, 2014	
Deer, Archery (Antlerless) WMUs 2B, 5C and 5D	Sept. 21	Oct. 4	An antlerless deer with each required antlerless license.
	Nov. 18	Nov. 30	
Deer, Archery (Antlered and Antlerless) ² WMUs 2B, 5C and 5D	Jan. 13, 2014	Jan. 25, 2014	One antlered and with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Dec. 2	Dec. 14	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 2	Dec. 6	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 7	Dec. 14	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, ³ Commission Disabled Person Permit Holders (to use a vehicle as a blind) and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 24	Oct. 26	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 19	Oct. 26	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 26	Jan. 11, 2014	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² WMUs 2B, 5C and 5D	Dec. 26	Jan. 25, 2014	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26	Jan. 25, 2014	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, any age (Archery only) ⁴ (Statewide)	Nov. 18	Nov. 22	1	1
Bear, any age (Archery only) ⁴ WMUs 2B, 5C and 5D	Sept. 21	Nov. 16	1	1
Bear, any age (Archery only) ⁴ WMU 5B	Oct. 5	Nov. 16	1	1
Bear, any age (Muzzleloader) ⁴ WMUs 2B, 5B, 5C and 5D	Oct. 19	Oct. 26	1	1
Bear, any age (Special Firearms) ⁴ WMUs 2B, 5B, 5C and 5D Junior and Senior License holders, disabled and Pennsylvania residents on active duty in armed services	Oct. 24	Oct. 26	1	1
Bear, any age (Regular Firearms) ⁴ (Statewide)	Nov. 23	Nov. 27	1	1
Bear, any age, Extended Firearms ⁴ WMUs 4B, 4C, 4D and 4E	Dec. 4	Dec. 7	1	1
Bear, any age, Extended Firearms ⁴ WMUs 2B, 5B, 5C and 5D	Dec. 2	Dec. 14	1	1
Bear, any age, Extended Firearms ⁴ WMUs 3A, 3B, 3C and 3D	Dec. 2	Dec. 7	1	1

ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Special Conservation ⁵ (Antlered and Antlerless)	Sept. 2	Nov. 9	1	One elk with required license
Elk, Regular ⁵ (Antlered and Antlerless)	Nov. 4	Nov. 9	1	One elk with required license
Elk, Extended ⁵ (Antlered and Antlerless)	Nov. 11	Nov. 16	1	One elk with required license

FUR TAKING—TRAPPING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats (Statewide)	Nov. 23	Jan. 5, 2014	Unlimited	
Beaver (Statewide)	Dec. 26	Mar. 31, 2014		
WMUs 1A, 1B and 3C (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)			20	20
WMUs 2G, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 27	Feb. 23, 2014	Unlimited	
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 23, 2014	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 21	Jan. 12, 2014	1	1
Fisher (with appropriate permit) WMUs 2C, 2D, 2E, 2F, 2G, 3A, 3D, 4D and 4E	Dec. 21	Dec. 26	1	1

FUR TAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)		Outside of any big game season may be taken with a hunting license or a furtaker's license and without wearing orange.	Unlimited	
Coyotes—(During any big game season)		May be taken while lawfully hunting big game or with a furtaker's license.		
Opossums, Skunks, Weasels (Statewide)		No closed season.		
Raccoons and Foxes—(Statewide)	Oct. 26	Feb. 22, 2014	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 21	Feb. 11, 2014	1	1

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁴ Only one bear may be taken during the hunting license year.

⁵ Only one elk may be taken during the hunting license year.

[58 PA. CODE CH. 139]

Seasons and Bag Limits; Wildlife Management Units

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2013, meeting to amend § 139.17 (relating to wildlife management units) to provide updated wildlife management unit (WMU) boundaries.

The proposed rulemaking will not have adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2013, meeting of the Commission. Comments can be sent until April 12, 2013, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

A uniform system of WMUs was implemented in 2003 to replace the system of multiple species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. In 2008, the Commission conducted a 5-year evaluation of the structure of the WMU system which resulted in the development and implementation of four WMU map revisions. The Commission again conducted a 5-year evaluation of the structure of the WMU system and developed two WMU map revisions: 1) split current WMU 2G into WMU 2G (eastern part) and WMU 2H (western part) on a line from Coudersport (RT 6) to DuBois (I-80) following RT 872 to RT 607 to RT 155 to RT 120 to RT 555 to RT 255 to RT 80; and 2) modify the description of the boundary line between WMUs 3C and 3D to differentiate RT 6 from Industrial RT 6 to clarify that in the Scranton area, Industrial RT 6, the Casey Highway, is used as the boundary between these WMUs. The proposed amendments to WMU boundary lines will have minimal impact on wildlife databases. Therefore, the Commission is proposing to amend § 139.17 to provide updated WMU boundaries.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such

regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 139.17 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 139.17 to provide updated WMU boundaries.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-354. No fiscal impact; (8) recommends adoption.

Editor's Note: As part of this proposed rulemaking, the Commission is replacing the map which appears in 58 Pa. Code page 139-18, serial page (340220) with the following map.)

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

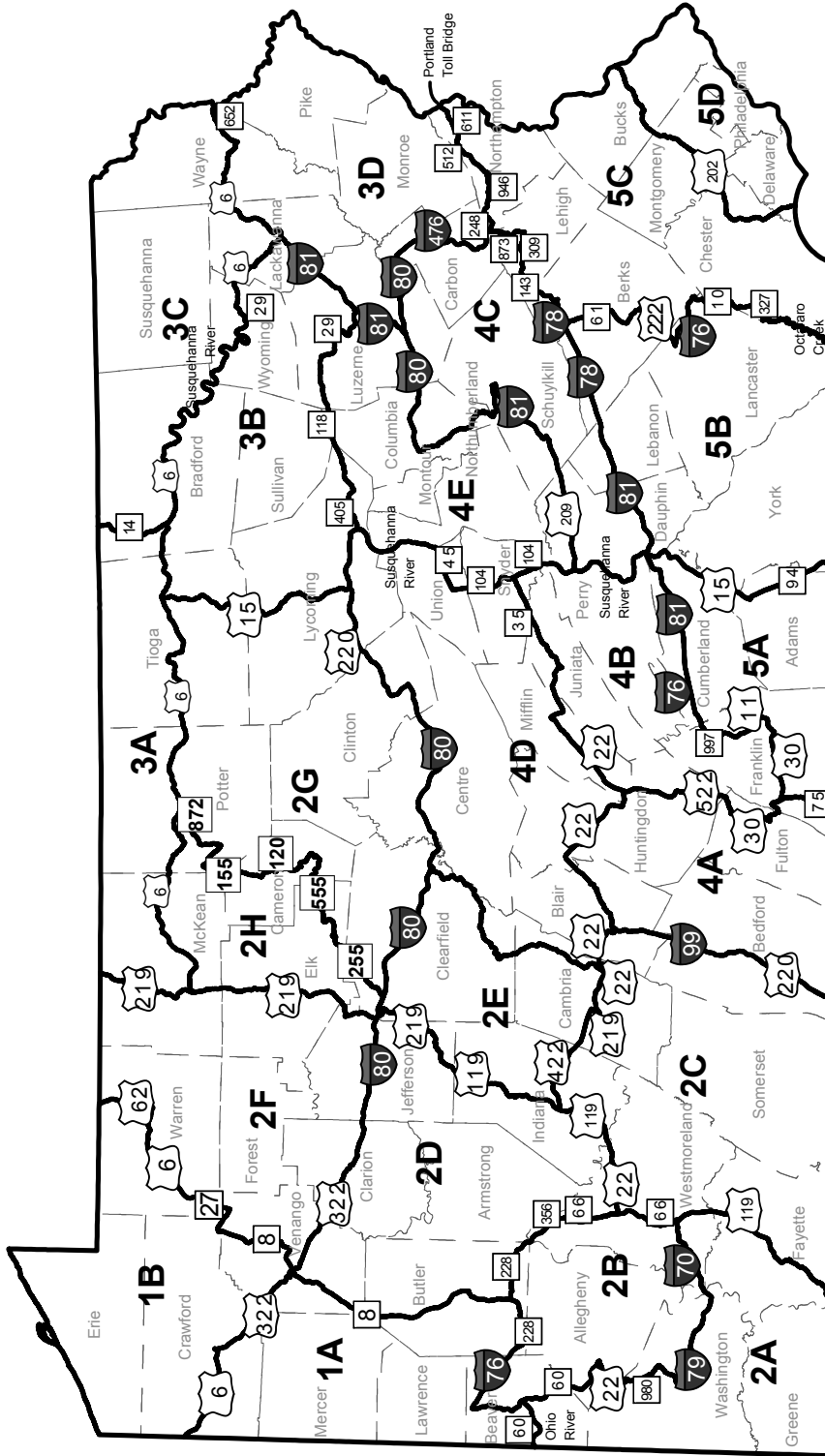
§ 139.17. Wildlife management units.

* * * * *

(b) The outline map of Pennsylvania [**found in Appendix B**] sets forth wildlife management units.

[APPENDIX B]

Wildlife Management Units



 Interstate Highway
 U.S. Traffic Route
 P.A. Traffic Route

[Pa.B. Doc. No. 13-563. Filed for public inspection March 29, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1017 AND 1055] Impoundment of Vehicles and Equipment

The Philadelphia Parking Authority (Authority), on January 28, 2013, adopted a proposed rulemaking order which modifies regulations related to the impoundment of taxicab, limousines and related property in Philadelphia, in furtherance of the Authority's regulatory functions. The regulation identified impoundable offenses and provides for prompt post-impoundment due process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 15, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-3

Proposed Rulemaking Order

By the Authority:

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "act"),¹ the Authority formally commences its rulemaking process to promulgate regulations to provide more specific procedures related to the impoundment of vehicles, equipment and medallions by the Authority pursuant to the act. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

A. Background

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority's regulations may be found at 52 Pa. Code Part II. On January 6, 2012, the Commonwealth Court of Pennsylvania determined that the Authority was not authorized to impound a vehicle acting as a taxicab in Philadelphia without rights to do so, provided that the vehicle was authorized to be a taxicab elsewhere in the Commonwealth.² Thereafter, the Legislature enacted the act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119")

¹ See 53 Pa.C.S. §§ 5722 and 57.

² *Sawink, Inc. et al., v. Philadelphia Parking Authority*, 34 A.3d 926 (Pa. Cmwlth. 2012), *affirmed*, 2012 Pa. LEXIS 2897 (Pa. 2012)

specifically amending the provisions of the act relied upon by the Commonwealth Court in *Sawink*, among other things.

Discussion

The Authority has been granted broad powers by the Legislature to regulate the operation of taxicabs and limousines in Philadelphia. Among those powers is the ability to immediately impound vehicles, equipment or medallions used to provide taxicab or limousines service in violation of the act or orders or regulations of the Authority.³ Such impoundments are from time-to-time the only way to provide for "a clean, safe, reliable, and well regulated taxicab and limousine industry . . ." in Philadelphia. 53 Pa.C.S. § 5701.1(2).

The manner in which taxicabs and limousines intimately and continuously interact with the public has long necessitated the ambient regulation of these industries. Nevertheless, due process rights certainly apply in these cases, particularly after the threat to public safety has abated.

The Legislature has enabled the Authority to both conduct these impoundments and promulgate regulations to assure public safety and the property rights of regulated parties are duly protected. Members of the regulated community have noted the need for a clarification of the criteria that may lead to a regulatory impoundment. We agree. Also, while the Authority has always permitted immediate emergency hearings related to the justification of an impoundment and to review the need to continue an impoundment, we believe it is crucial to indentify a clear process for such prompt post-impoundment hearings through regulation. We believe this proposed regulation provides these important safeguards and now propose the following changes to the Authority's regulations at 52 Pa. Code §§ 1017.51, 1017.52, 1055.31 and 1055.32 in order to implement the Authority's statutory impoundment powers as modified by Act 119.

B. The regulation.

§ 1017.51. General.

We proposed adding two additional definitions to this subsection. The definition of "impoundable offense" identifies only five scenarios in which an impoundment may be made as provided in § 1717.52. These limited circumstances pose immediate and potentially irreparable harm to the public.

In *Sawink*, the Commonwealth Court agreed that even the pre-Act 119 version of the section 5714(g) of the act permitted the impoundment of unauthorized taxicabs as identified in section 5714(f). The use of unapproved or manipulated taxicab meters also represents the type of grave malfeasance necessitating immediate impoundment to stop further public abuses. Permitting the offending taxicab to simply drive off with a citation and the bad meter would undermine public confidence in all fares charged by taxicabs and permit, if not encourage, the continued abuse by the offending party and others. Meter rigging is exactly the type of egregious conduct that merits immediate impoundment.

Similarly, the determination by the Enforcement Department officer that a vehicle's condition or the condition, or behavior of a driver, will create an immediate threat to public safety if permitted to continue operation merits impoundment. This is a high standard for impoundment and exceeds the standard employed in the

³ See 53 Pa.C.S. §§ 5714(g) and 5741(f).

existing “out of service” designation process founded on a “public safety concern.” See 52 Pa. Code § 1003.31.

Finally, the use of a counterfeit medallion constitutes a serious regulatory infraction and is a crime. See 53 Pa.C.S. § 5714(h). Given the statutorily limited number of authorized taxicab medallions and the importance placed on the health of the medallion system by the Legislature, this violation merits immediate impoundment. See 53 Pa.C.S. § 5712.

The definition of “unauthorized taxicab” is necessary because the term is used in the definition of “impoundable offense.” The fact that every taxicab that is authorized to provide call or demand service within Philadelphia must have a current TLD inspection sticker attached by the Authority creates a bright-line distinction between authorized taxicabs and all other vehicles on the road. See 52 Pa. Code § 1017.32. An exception to this condition is made for PUC authorized taxicabs observed operating in Philadelphia as permitted by section 5714(d)(1) of the act. A vehicle observed providing or attempting to provide taxicab service although it, or the certificate through which it is authorized to provide taxicab service, has already been placed out of service by the Authority is also an unauthorized taxicab.

§ 1017.52. *Impoundment of vehicles and equipment.*

We propose the deletion of the language previously provided in this section and the insertion of provisions which take into account the new definitions provided in section 1017.51 and more detailed post-impoundment hearing deadlines and procedures. The new language will restrict impoundments to impoundable offenses only. A specific impoundment notice process is also included.

The registered owner of the impounded vehicle may petition for an impoundment hearing at any time to contest the validity of the impoundment. The hearing must be immediately scheduled by the Clerk to occur within two days of the petition, although from past experience hearings of this nature are often conducted on the same day that the petition for hearing is filed, which is often the date of impoundment. An Authority presiding officer may determine that the impoundment was appropriate, but order the release of the impounded property upon certain terms and conditions. If dissatisfied with the presiding officer’s decision, the registered owner may seek interlocutory review as provided in § 1005.131.

The Enforcement Department must initiate a formal complaint in furtherance of the violation necessitating the impoundment within five days. If the impounded property remains in the Authority’s custody, the respondent’s filing of an answer or request for a hearing, as appropriate, will automatically stay the auction deadlines provided for in the impoundment notice. A registered lienholder or medallion lienholder may seek to intervene as provided in § 1005.31, a process that will permit the registered owner to contest either the intervention or the proposed intervenor’s request for relief.

If the presiding officer determines that the respondent is liable for a violation issued in relation to the impoundment, the impounded property will be scheduled for auction after notice of the time, date and location of the auction is duly provided. This notification process often takes approximately 30 days to complete. Upon a determination that the respondent is not liable for the violation, the impounded property will be available to be reclaimed without payment of any fee, penalty or cost.

The registered owner may reclaim the impounded property at any time by paying the penalty demanded in the Enforcement Department’s complaint or the presiding officer’s final adjudication.

§§ 1055.31 and 1055.32.

The changes to sections 1055.31 and 1055.32, relating to limousines, are identical to those applicable to taxicabs in sections 1017.51 and 1017.52, except that references to medallions have been removed and language applicable to limousines has been inserted in place of that related to taxicabs.

Conclusion

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the web site of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended, 53 Pa.C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968 (P. L. 769, No. 240) 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5 we are considering adopting the proposed regulations set forth in Annex A⁴; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 3101 Market Street, 2nd Floor, Philadelphia, PA 19104.
6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority’s web site at www.philapark.org/tld.

⁴ The Authority does not receive money from the State Treasury and is, therefore, not subject to section 612 of the Administrative Code of 1929, 71 P. S. § 232.

7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter E. IMPOUNDMENT OF VEHICLES AND EQUIPMENT

§ 1017.51. [General] Definitions.

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

Impoundable offense—The Authority may immediately confiscate and impound a vehicle, equipment or medallion under section 5714(g) of the act (relating to certificate and medallion required) when used in any of the following circumstances:

(i) An unauthorized taxicab provides, or attempts to provide, call or demand service in Philadelphia.

(ii) A taxicab provides, or attempts to provide, call or demand service in Philadelphia through the use of a meter not approved by the Authority as provided in § 1017.23 (relating to approved meters) or a meter that has been manipulated to charge a fare not authorized by the Authority as provided in section 5703 or 5720 of the act (relating to rates; and wages), or both.

(iii) The condition of a taxicab will create an immediate threat to public safety if permitted to continue operation.

(iv) The continued operation of a taxicab by the driver will create an immediate threat to public safety except when the certificate holder is able to promptly provide an alternate adult individual with a valid driver's license to assume control of the vehicle.

(v) A vehicle provides, or attempts to provide, call or demand service in Philadelphia with a counterfeit medallion.

Registered lienholder—A person having a vehicle lien interest that is registered with the Department of Transportation or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Registered owner—The owner of the vehicle as registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Unauthorized taxicab—

(i) A vehicle without a current and valid TLD inspection sticker affixed as provided in § 1017.32 (relating to TLD inspection sticker required).

(ii) A taxicab that has been placed out of service as provided in § 1003.32 (relating to out of service designation).

(iii) A taxicab that is operated under a certificate of public convenience that has been placed out of service as provided in § 1003.32.

(iv) The term does not apply to a vehicle that provides call or demand service as provided in section 5714(d)(1) of the act under current authorization from the PUC.

Vehicle—The term includes the vehicle and equipment used or capable of being used to provide taxicab service.
§ 1017.52. Impoundment of vehicles and equipment.

[(a) *Impoundments generally.* The Authority may impound vehicles, medallions and equipment used to provide call or demand service as provided in section 5714(g) of the act (relating to certificate and medallion required).

(b) *Enforcement proceedings.* The Enforcement Department or trial counsel will initiate an enforcement proceeding as provided in § 1005.11 (relating to formal complaints generally) against the regulated party or owner of the impounded property, if other than a regulated party, related to an impoundment made under this section and the act.

(c) *Notice of impoundment.* The Authority will issue a notice of impoundment to the registered owner of the vehicle and registered lienholder of the vehicle or medallion, or both, if any, as provided in section 5714(g)(2)(ii) of the act.

(d) *Recovery of impounded property.* Except as provided in subsection (g), the owner or lienholder of the property impounded as provided in this section may recover the impounded property by paying all penalties, fines and costs required under section 5714(g)(1) of the act.

(e) *Public auction.* Confiscated property may be sold at public auction as provided in section 5714(g)(2)(i) of the act.

(f) *Return of funds.* If the enforcement proceeding initiated as provided in subsection (b) results in a determination that the respondent was not liable for the violations referenced in the complaint and that the grounds for the impoundment were unsubstantiated, the costs of towing and impoundment paid by the respondent as provided in subsection (d) will be refunded.

(g) *Stay of auction.* Upon motion of the respondent or a registered owner or a registered lienholder as an intervening party as permitted under § 1005.31 (relating to initiation of intervention), the presiding officer may enter an order staying the public auction of the impounded property for a period as the presiding officer deems just. Costs of impoundment will continue to accrue during the period of any stay imposed through this subsection.

(h) *Emergency hold on impounded property.*

(1) To advance the interests of the act or to protect the public good, the Enforcement Department or trial counsel may motion the presiding officer to stay the return of property impounded as provided in this section through the conclusion of the enforcement proceeding, although requirements for recovery as provided in subsection (d) have been met.

(2) The presiding officer will issue a decision in support of the determination required under this section.

(3) The decision of the presiding officer issued as provided in paragraph (2) will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

(4) If the release of impounded property is stayed, the enforcement proceedings will be conducted on an expedited basis.]

(a) *Impoundment.* Upon observation of an impoundable offense, the Enforcement Department may direct the immediate impoundment of a vehicle, equipment or medallion and have the impounded property removed to a place of safe storage under the control of the Authority.

(b) *Notice of impoundment.* The Authority will serve immediate notice of impoundment on the registered owner and registered lienholder, if any, by first class mail as provided in section 5714(g)(2) of the act (relating to certificate and medallion required). The notice of impoundment will include the following information:

- (1) The location of the impounded property.
- (2) The manner in which the impounded property may be reclaimed.
- (3) The date the impounded property will be sold at public auction if action is not taken to reclaim the impounded property or stay the auction as provided in this section.
- (4) Other information required under section 5714(g)(2)(ii) of the act.

(c) *Impoundment hearing.*

(1) The registered owner may file a hearing request with the Clerk at any time after impoundment solely to regain possession of impounded property by contesting the compliance of the impoundment with this section or the act, or both.

(2) Upon request as provided in paragraph (1), the Clerk will immediately schedule an impoundment hearing to be conducted within 2 days before a presiding officer.

(3) In the event the presiding officer determines, by order, that the impoundment was not proper, the impounded property may be immediately reclaimed by the registered owner without need to pay a penalty or cost associated with the impoundment.

(4) When the impoundment is determined to have been appropriate, the presiding officer may, by order, establish terms for the release of the impounded property including the posting of collateral and inspections by the Enforcement Department.

(5) An order of the presiding officer entered as provided in this subsection is subject to the interlocutory appeal procedure in § 1005.131 (relating to interlocutory review generally).

(d) *Formal complaint.* The Enforcement Department will file a formal complaint with the Clerk against the registered owner averring a violation forming the basis of the impoundment within 5 days of the impoundment.

(e) *Stay of auction.* The public auctioning of impounded property will be stayed if the respondent

contests the Enforcement Department’s formal complaint by doing one of the following:

(1) Filing an answer to the complaint with the Clerk within 20 days as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(2) If a citation complaint is filed by the Enforcement Department, filing a request or a hearing within 15 days as provided in § 1005.13(b)(2) (relating to citation complaints by the Authority).

(f) *Intervention.* A registered lienholder or medallion lienholder may request the impounded property be released into its possession only through a motion to intervene as permitted under § 1005.31 (relating to initiation of intervention).

(g) *Final disposition of impounded property.*

(1) If the respondent is found not liable for each violation averred in the Enforcement Department complaint, the impounded property may be reclaimed by the registered owner within 30 days of the adjudication without payment of a penalty, fee or cost.

(2) If the respondent is found liable for any violation averred in the Enforcement Department complaint, the impounded property will be scheduled for public auction in not less than 30 days. A notice of the time, date and location of the auction will be provided to the registered owner and registered lienholder by first class mail.

(h) *Immediate repossession.* The registered owner may reclaim the impounded property at anytime upon payment of the penalties requested in the Enforcement Department complaint or the penalties assessed in the presiding officer’s order, along with the fees and costs associated with the impoundment.

Subpart C. LIMOUSINES

CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS

Subchapter C. IMPOUNDMENT OF VEHICLES AND EQUIPMENT

§ 1055.31. [General] Definitions.

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

Impoundable offense—The Authority may immediately confiscate and impound a vehicle or equipment under section 5741(f) of the act (relating to certificate of public convenience required) when used in any of the following circumstances:

(i) An unauthorized limousine operates as a limousine or offers to operate as a limousine in Philadelphia.

(ii) The condition of a limousine will create an immediate threat to public safety if permitted to continue operation.

(iii) The continued operation of a limousine by the driver will create an immediate threat to public safety, except when the certificate holder is able to promptly provide an alternate adult individual with a valid driver’s license to assume control of the vehicle.

Registered lienholder—A person having a vehicle lien interest that is registered with the Department of Trans-

portation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Registered owner—The owner of the vehicle as registered with the Department of Transportation, or the similarly authorized registering agency of the jurisdiction identified on the license plate of the vehicle, if any, on the date the vehicle was impounded.

Unauthorized limousine—

(i) A vehicle without a current, valid and properly affixed remote carrier sticker issued by the Authority as provided in § 1053.43(f) (relating to certain limousine requirements) or limousine rights sticker issued by the Authority as provided in § 1055.2 (relating to limousine rights sticker).

(ii) A limousine that has been placed out of service as provided in § 1003.32 (relating to out of service designation).

(iii) A limousine that is operated under a certificate of public convenience that has been placed out of service as provided in § 1003.32.

(iv) The term does not apply to a vehicle that provides common carrier service as provided in section 5741(a.3) of the act under current authorization from the PUC.

Vehicle—The vehicle and equipment used or capable of being used to provide limousine service.

§ 1055.32. Impoundment of vehicles and equipment.

[(a) *Impoundments generally*. The Authority may impound vehicles and equipment used to provide limousine service as provided in section 5741(f) of the act (relating to certificate of public convenience required).

(b) *Enforcement proceedings*. The Enforcement Department or trial counsel will initiate an enforcement proceeding as provided in § 1005.11 (relating to formal complaints generally) against the regulated party or owner of the impounded property, if other than a regulated party, related to an impoundment made under this section and the act.

(c) *Notice of impoundment*. The Authority will issue a notice of impoundment to the registered owner of the vehicle and registered lienholder of the vehicle, or both, if any, as provided in section 5741(f)(2)(ii) of the act.

(d) *Recovery of impounded property*. Except as provided in subsection (g), the owner or lienholder of the property impounded as provided in this section may recover the impounded property by paying all penalties, fines and costs required under section 5741(f)(1) of the act.

(e) *Public auction*. Confiscated property may be sold at public auction as provided in section 5741(f)(2)(i) of the act.

(f) *Return of funds*. If the enforcement proceeding initiated as provided in subsection (b) results in a determination that the respondent was not liable for the violations referenced in the complaint and that the grounds for the impoundment were unsubstantiated, the costs of towing and impoundment paid by the respondent as provided in subsection (d) will be refunded.

(g) *Stay of auction*. Upon motion of the respondent or a registered owner or a registered lienholder as an intervening party as permitted under § 1005.31 (relating to initiation of intervention), the presiding officer may enter an order staying the public auction of the impounded property for a period as the presiding officer deems just. Costs of impoundment will continue to accrue during the period of a stay imposed through this subsection.

(h) *Emergency hold on impounded property*.

(1) Even if the requirements for recovery under subsection (d) have been met, to advance the interests of the act or to protect the public good, the Enforcement Department or trial counsel may motion the presiding officer to stay the return of property impounded as provided in this section through the conclusion of the enforcement proceeding.

(2) The presiding officer will issue a decision in support of the determination required under this section.

(3) The decision of the presiding officer issued as provided in paragraph (2) will constitute a recommended decision and will be reviewed by the Authority as provided in §§ 1005.211—1005.215 (relating to exceptions to recommended decisions).

(4) If the release of impounded property is stayed, the enforcement proceedings will be conducted on an expedited basis.]

(a) *Impoundment*. Upon observation of an impoundable offense, the Enforcement Department may direct the immediate impoundment of a vehicle or equipment and have the impounded property removed to a place of safe storage under the control of the Authority.

(b) *Notice of impoundment*. The Authority will serve immediate notice of impoundment on the registered owner and registered lienholder, if any, by first class mail as provided in section 5714(g)(2) of the act (relating to certificate and medallion required). The notice of impoundment will include the following information:

(1) The location of the impounded property.

(2) The manner in which the impounded property may be reclaimed.

(3) The date the impounded property will be sold at public auction if action is not taken to reclaim the impounded property or stay the auction as provided in this section.

(4) Other information required under section 5741(f)(2)(ii) of the act.

(c) *Impoundment hearing*.

(1) The registered owner may file a hearing request with the Clerk at any time after impoundment solely to regain possession of impounded property by contesting the compliance of the impoundment with this section or the act, or both.

(2) Upon request as provided in paragraph (1), the Clerk will immediately schedule an impoundment hearing to be conducted within 2 days before a presiding officer.

(3) In the event the presiding officer determines, by order, that the impoundment was not proper, the

impounded property may be immediately reclaimed by the registered owner without need to pay a penalty or cost associated with the impoundment.

(4) When the impoundment is determined to have been appropriate, the presiding officer may, by order, establish terms for the release of the impounded property including the posting of collateral and inspections by the Enforcement Department.

(5) An order of the presiding officer entered as provided in this subsection is subject to the interlocutory appeal procedure in § 1005.131 (relating to interlocutory review generally).

(d) *Formal complaint.* The Enforcement Department will file a formal complaint with the Clerk against the registered owner averring a violation forming the basis of the impoundment within 5 days of the impoundment.

(e) *Stay of auction.* The public auctioning of impounded property will be stayed if the respondent contests the Enforcement Department's formal complaint by doing one of the following:

(1) Filing an answer to the complaint with the Clerk within 20 days as provided in § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

(2) If a citation complaint is filed by the Enforcement Department, filing a request for a hearing within 15 days as provided in § 1005.13(b)(2) (relating to citation complaints by the Authority).

(f) *Intervention.* A registered lienholder may request the impounded property be released into its possession only through a motion to intervene as permitted under § 1005.31 (relating to initiation of intervention).

(g) *Final disposition of impounded property.*

(1) If the respondent is found not liable for each violation averred in the Enforcement Department complaint, the impounded property may be reclaimed by the registered owner within 30 days of the adjudication without payment of a penalty, fee or cost.

(2) If the respondent is found liable for a violation averred in the Enforcement Department complaint, the impounded property will be scheduled for public auction in not less than 30 days. A notice of the time, date and location of the auction will be provided to the registered owner and registered lienholder by first class mail.

(h) *Immediate repossession.* The registered owner may reclaim the impounded property at anytime upon payment of the penalties requested in the Enforcement Department complaint or the penalties assessed in the presiding officer's order, along with the fees and costs associated with the impoundment.

[Pa.B. Doc. No. 13-564. Filed for public inspection March 29, 2013, 9:00 a.m.]

[52 PA. CODE CHS. 1011, 1015, 1017, 1021, 1027, 1051, 1053, 1057, 1059]

Taxicab and Limousine Amendments

The Philadelphia Parking Authority (Authority), on January 28, 2013, adopted a proposed rulemaking order which eliminates references to a classification of carriers no longer subject to the Authority's regulation, to correct certain typographical errors or technical errors in 52 Pa. Code Part II, as well as to provide certain clarifications as to rights and requirements. The regulation identifies impoundable offenses and provides for prompt post-impoundment due process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 15, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-4

Proposed Rulemaking Order

By the Authority:

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "act"),¹ the Authority formally commences its rulemaking process to promulgate regulations to address recent statutory changes and to address minor errors or incomplete provisions in its taxicab and limousine regulations. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority's taxicab and limousine regulations are available at 52 Pa. Code Part II.

The Legislature enacted the act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119") amending several provisions of the Authority's taxicab and limousine enabling legislation. One change limited the scope of the definition of "limousine" is 53 Pa.C.S. § 5701 in such a manner as to negate the need for the Authority's regulation of a class of limousines identified as "large vehicles." The proposed rulemaking will amend the regulations to remove references to those carriers. Several other clarifying amendments to the regulations are also included in this proposed rulemaking, as further explained below.

¹ See 53 Pa.C.S. §§ 5722 and 5742.

Discussion

Consistent with the foregoing, the following amendments to the Authority's taxicab and limousine regulations are proposed.

§ 1011.2. Definitions.

We propose that the definition of "partial-rights taxicab" be amended to reference the changes made to one statutory provision of the act amended by Act 119, specifically, section 5711(c)(2.1) (relating to power of Authority to issue certificates of public convenience).

§ 1011.14. Voluntary suspension of certificate.

We propose that subsection (a) be amended to delete reference to a subsection "(e)." There is no subsection (e) in this section. We also propose adding a new subsection (d), which will require the surrender of the medallion or TLD inspection sticker, or both, authorizing each subject vehicle to provide Philadelphia taxicab service as a condition of placing the vehicle or certificate voluntarily out of service.

§ 1015.2. Certificate required.

We propose adding two new subsections to this partial-rights taxicab related section. The intent of these provisions is to clarify the rights and limitations of partial-rights taxicabs in consideration of complaints levied by medallion taxicab certificate holders and apparent confusion on the part of some partial-rights taxicab certificate holders.

As proposed, the new subsection (c) will clarify the fact that partial-rights taxicabs are not permitted to provide taxicab service between two points in Philadelphia, when those points are both outside of the geographical boundaries established in the Authority approved tariffs for each of the six partial-rights taxicab certificates. The proposed subsection (d) will clarify that partial-rights taxicabs are not permitted to accept a street hail for taxicab service in Philadelphia, except within the geographical boundaries of the given partial rights taxicab certificate holder's Authority approved tariff. We do not believe that either of these provisions are controversial, but instead are consistent with the long established limitations of partial-rights taxicabs in Philadelphia. This regulation will clarify those service issues.

§ 1017.14. Taxicab numbering.

We propose that subsection (c) of this section be amended to delete reference to the old Pennsylvania Public Utility Commission ("PUC") certificate of public convenience numbers. Those numbers were associated with each given partial-rights taxicab Philadelphia service area prior to the transfer of regulatory authority from the PUC to the Authority pursuant to the act. Those PUC certificate numbers were replaced with the Authority certificate numbers issued after the regulatory transfer date in April 2005. The PUC does not regulate taxicab service within Philadelphia, including taxicab service by partial-rights taxicabs.

The failure to include the Authority certificate of public convenience numbers issued to each partial-rights taxicab company at the time that section 1017.14 was originally promulgated was an oversight. References to the names of the partial-rights taxicab certificate holders has been deleted in response to comments of certain of those certificate holders that their publication through a regulation could unnecessarily impede the ability to transfer those certificates, a process regulated by the Authority as provided in section 5711(c)(5) of the act.

§ 1021.4. Ineligible persons for taxicab driver certificate.

We propose that this section be amended by adding paragraphs (7) and (8). Paragraph (7) will clarify that a driver applicant may experience a loss of their driver's license privileges in the one year period preceding the application or renewal date; yet remain eligible to be issued or renew the Authority driver's certificate. The need to have a driving history of at least one year as currently provided in paragraph (6) will continue; however, to the extent the applicant's driver's license has been valid for the 6 months preceding the application date a suspension or other loss of driving privileges will not be an automatic bar to the application or renewal process.

We also propose that a conviction for driving under the influence of alcohol or controlled substance be added to this list of prohibitions. These convictions are not necessarily felonies and often do not appear on a driver history report, creating a potential loophole in the regulations.

§ 1021.11. Driver requirements.

We propose a new paragraph (5) be added to subsection (d) requiring taxicab drivers to provide the receipt for taxicab service to each fare-paying customer. All taxicabs are required to have receipt issuing capabilities as provided by § 1017.24(d) or § 1017.63(a), or both (related to meter activation and display; and receipts). In the past year it has been averred in an enforcement action that while each taxicab must have the ability to issue a receipt there was no regulatory requirement that the driver actually give the receipt to the customer.

§ 1021.14. General taxicab driver reports.

We propose an amendment to paragraph (2) of this subsection to require that a taxicab driver inform the Taxicab and Limousine Division ("TLD") of a change to not only the driver's home address, but also the driver's telephone number. Several taxicab drivers have changed telephone numbers over the past year without advising the TLD. The inability to rapidly communicate with a driver through telephone communication may inure to the detriment of the driver or the effectiveness of the Authority's regulation of taxicabs, or both.

§ 1021.16. Service issues regarding people with disabilities.

We propose that the word "hale" be substituted with the properly spelled "hail" in subsection (b) of this section. The use of the word "hale" was an oversight made during the original promulgation of this section.

§ 1027.5. Agreement of sale.

We propose that the agreements of sale used as a part of the process to transfer certain rights through the Authority be amended to require that the agreement of sale be signed at the same time that the application to transfer rights is filed with the TLD and not before. There are currently many agreements of sale filed with the Authority without a corresponding transfer of rights application. We have found that confusion as to who actually owns the transferable rights, and false claims related to who may use those rights germinate in these scenarios. We believe it to be in the best interests of the parties to the agreement of sale and the public concerned

about who is actually using the rights at issue, to impose this modest scheduling requirement.

§ 1051.13. *Voluntary suspension of certificate.*

We propose adding a new subsection (e), which will require the surrender of the TLD inspection sticker authorizing each subject vehicle to provide Philadelphia taxicab service as a condition of placing a vehicle or certificate voluntarily out of service.

Subchapter D. Large Vehicles and Remote Carriers

We propose deleting the term “large vehicle” due to inapplicability.

§ 1053.41. *Large vehicles.*

We propose deleting this section as inapplicable because Act 119 removed these large vehicles from the Authority’s jurisdiction. See 53 Pa.C.S § 5701 (relating to definitions).

§ 1053.42. *Remote carriers.*

We propose deleting the phrase “regardless of seating capacity” from subsection (a) due to inapplicability. This language was originally included in this subsection to assure that its terms applied to large vehicles, which are no longer subject to Authority regulation.

§ 1053.43. *Certain limousine requirements.*

We propose deleting the reference to large vehicles in subsection (b) of this section due to inapplicability. We also propose deleting subsections (c) and (g) of this section in their entirety due to inapplicability.

§ 1057.4. *Ineligible persons for limousine driver certificate.*

We propose amending this section related to limousine driver eligibility to mirror the changes to the taxicab driver section at § 1021.4, referenced above.

§ 1057.14. *General limousine driver reports.*

We propose amending this section related to limousine driver reporting requirements to mirror the changes to the similar taxicab driver section at § 1021.14, referenced above.

§ 1059.4. *Agreement of sale.*

We propose amending this section related to agreements of sale for limousine rights to mirror the substantially similar section related to the sale of taxicab transferable rights at § 1027.5, referenced above.

Conclusion

The Authority, therefore, formally commences its rule-making process to promulgate these regulations to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the web site of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended, 53 Pa.C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P. L. 769, No. 240, 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5 we are considering adopting the proposed regulations set forth in Annex A²; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.
3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. An original and 15 copies of any written comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: Dennis G. Weldon, General Counsel, 3101 Market Street, 2nd Floor, Philadelphia, PA 19104.
6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority’s web site at www.philapark.org/tld.
7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1011. GENERAL PROVISIONS

§ 1011.2. Definitions.

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

* * * * *

Partial-rights taxicab—A taxicab authorized by the Authority to provide common carrier call or demand transportation of persons for compensation on a non-citywide basis, under Chapter 1015 (relating to partial rights taxicabs) and section [5711(c)(2)] 5711(c)(2.1) of the act (relating to power of authority to issue certificates of public convenience) and 5714(d)(2) of the act.

* * * * *

² The Authority does not receive money from the State Treasury and is, therefore, not subject to section 612 of the Administrative Code of 1929, 71 P. S. § 232.

§ 1011.14. Voluntary suspension of certificate.

(a) A certificate holder may apply to place a certificate in a voluntary state of suspension to avoid penalties for violation of [§ 1011.13(e)] § 1011.13 (relating to interruptions of service).

* * * * *

(f) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1011.7 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(g) A period of voluntary suspension may begin only upon surrender to the Authority of each medallion or TLD inspection sticker, or both, for each vehicle subject to the voluntary suspension.

CHAPTER 1015. PARTIAL RIGHTS TAXICABS

§ 1015.2. Certificate required.

* * * * *

(b) Each vehicle operated as a partial-rights taxicab shall be registered with the Department of Transportation in the name of the owner of the partial-rights certificate.

(c) A partial-rights taxicab may not provide taxicab service to two points in Philadelphia unless one or both of the points is within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority approved tariff.

(d) A partial-rights taxicab may only accept a street hail for taxicab service at a location within the geographical boundaries identified in the partial-rights taxicab certificate holder's Authority-approved tariff.

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter B. COLORS AND MARKINGS

§ 1017.14. Taxicab numbering.

* * * * *

(c) Partial-rights taxicabs must be identified by a unique sequential number, as follows:

(1) Taxicabs with rights through [Germantown Cab Company (Pennsylvania Public Utility Commission A-00110733)] Certificate No. 1011748-02 shall be numbered "G-1" for the first vehicle, "G-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(2) Taxicabs with rights through [Bucks County Services, Inc. (Pennsylvania Public Utility Commission A-00111913)] Certificate No. 1011752-02 shall be numbered "B-1" for the first vehicle, "B-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(3) Taxicabs with rights through [Concord Limousine, Inc. (Pennsylvania Public Utility Commission A-00113582)] Certificate No. 1016120-05 shall be numbered "CL-1" for the first vehicle, "CL-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(4) Taxicabs with rights through [Concord Coach USA, Inc. (Pennsylvania Public Utility Commission A-00115589)] Certificate No. 1015925-05 shall be numbered "CC-1" for the first vehicle, "CC-2" for the second

vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(5) Taxicabs with rights through [Dee Dee Cab, Inc. Company (Pennsylvania Public Utility Commission A-00116499)] Certificate No. 1011761-02 shall be numbered "D-1" for the first vehicle, "D-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

(6) [MCT Transportation, Inc. d/b/a Montco Suburban Taxi (Pennsylvania Public Utility Commission A-00119955)] Taxicabs with rights through Certificate No. 1015570-05 shall be numbered "MCT-1" for the first vehicle, "MCT-2" for the second vehicle, and continue according to that sequence until each taxicab is issued a unique number.

CHAPTER 1021. TAXICAB DRIVERS

§ 1021.4. Ineligible persons for taxicab driver certificate.

In addition to other prohibitions provided in this part, an applicant for a taxicab driver's certificate shall be automatically ineligible under the following circumstances:

* * * * *

(6) Unless otherwise permitted by the Authority, the applicant does not have a driving history in the United States of at least 1 continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).

§ 1021.11. Driver requirements.

* * * * *

(d) *Gratuities or payment method.*

* * * * *

(4) A taxicab driver shall accept payment by credit card and debit card and other cashless payment options identified by the Authority.

(5) A taxicab driver shall provide each fare-paying customer with a receipt for the taxicab service required under § 1017.24(d) or § 1017.63(a) (related to meter activation and display; and receipts), or both.

(e) *Lease or employment documents.* A taxicab driver is responsible for maintaining a copy of the lease agreement, employment contract and employee identification card in the taxicab at all times.

* * * * *

§ 1021.14. General taxicab driver reports.

A taxicab driver shall make timely written reports to the Authority as required by the act, this part or an order of the Authority, including the following reports which shall be made to the Manager of Administration:

* * * * *

(2) A change of address or telephone number, or both, shall be reported within 15 days.

* * * * *

§ 1021.16. Service issues regarding people with disabilities.

* * * * *

(b) This section may not be interpreted to require or permit a taxicab to provide service in an area outside the rights identified in the taxicab certificate holder's rights. For example, this section does not permit a partial-rights taxicab to stop for a [hale] hail outside of its defined geographical area.

CHAPTER 1027. SALE OF RIGHTS

§ 1027.5. Agreement of sale.

* * * * *

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee at the time the sale is initiated as provided in § 1027.6(a)(1) (relating to application for sale of transferable rights).

Subpart C. LIMOUSINES

CHAPTER 1051. GENERAL PROVISIONS

§ 1051.13. Voluntary suspension of certificate.

* * * * *

(d) Before a CPC-1 is granted, a certificate holder shall be in compliance with § 1051.6 (relating to payment of outstanding fines, fees and penalties) and pay the entire Authority assessment that will come due during the proposed period of voluntary suspension.

(e) A period of voluntary suspension may begin only upon surrender to the Authority of the TLD inspection sticker for each vehicle subject to the voluntary suspension.

CHAPTER 1053. STANDARD CLASSIFICATIONS OF LIMOUSINE SERVICE

Subchapter D. [LARGE VEHICLES AND] REMOTE CARRIERS

§ 1053.41. [Large vehicles] (Reserved).

[(a) A limousine, regardless of the classification provided by this chapter, having a seating capacity of 16 or more passengers, including the driver, must hold a valid PUC certificate to provide the same or a substantially similar classification of common carrier by motor vehicle service to hold Authority limousine rights.

(b) Limousines with a seating capacity of 16 or more passengers, including the driver, are exempt from this subpart, except for the registration and regulation requirements in § 1053.43 (relating to certain limousine requirements).]

§ 1053.42. Remote carriers.

(a) A remote carrier[, regardless of seating capacity,] shall adhere to the requirements in § 1053.43 (relating to certain limousine requirements).

* * * * *

§ 1053.43. Certain limousine requirements.

* * * * *

(b) Certain limousines covered. This section applies to remote carriers as provided in § 1053.42 (relating to remote carriers) [and large vehicles as provided in § 1053.41(b) (relating to large vehicles). A vehicle that is both a remote carrier and a large vehicle must comply with the regulations related to large vehicles].

(c) Registration.

* * * * *

(3) [The registration fee for large vehicles shall be \$15 without consideration of the number of large vehicles used by the certificate holder for Fiscal Year 2011-2012 and, thereafter, as provided in the Authority's fee schedule as provided in § 1001.43 (relating to Authority fee schedule).

(4)] The registration of each remote carrier expires on June 30 of each year and may be renewed as provided in paragraph (1) on or before April 1 of each year.

* * * * *

[(g) Large vehicle certificate. Upon compliance with this section, the Authority will issue the large vehicle registrant a certificate of public convenience to provide service as a large vehicle under this section. The certificate issued under this subsection is not subject to the renewal requirements in this subpart and will be subject to revocation under section 5741.1(c)(1) of the act if the PUC certification required under § 1053.41(a) expires or otherwise becomes invalid.]

CHAPTER 1057. LIMOUSINE DRIVERS

§ 1057.4. Ineligible persons for limousine driver certificate.

In addition to other prohibitions provided in this part, an applicant for a limousine driver's certificate shall be automatically ineligible under the following circumstances:

* * * * *

(6) The applicant does not have a driving history in the United States of at least one continuous year prior to the date of application.

(7) The applicant's driver's license was suspended, revoked or otherwise invalidated at any time during the 6 months immediately preceding the date of application.

(8) The applicant has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).

§ 1057.14. General limousine driver reports.

A limousine driver shall make timely written reports to the Manager of Administration as required under the act, this part or an order of the Authority, including the following:

* * * * *

(2) A change of address or telephone number, or both, shall be reported within 15 days.

* * * * *

CHAPTER 1059. APPLICATIONS AND SALE OF RIGHTS

§ 1059.4. Agreement of sale.

* * * * *

(b) An agreement of sale for transferable rights is void by operation of law if not executed by all parties in the presence of the Director or a designee **at the time the sale is initiated as provided in § 1059.5 (relating to application for sale of transferable rights).**

[Pa.B. Doc. No. 13-565. Filed for public inspection March 29, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 58]

Small Business Self-Certification and Small Diverse Business Verification

To provide clarity to the vendor community, the Department of General Services (Department) is amending Chapter 58, Subchapter D (relating to internal guidelines for Small Business Self-Certification and Small Diverse Business Verification—statement of policy), primarily in the area which outlines the verification of Small Diverse Businesses. To participate in the Small Diverse Business program, a vendor shall first self-certify through an online application known as Small Business Procurement Initiative (SBPI). Before the expiration of the 1-year self-certification period, the vendor shall obtain an approved third-party certification to maintain its status as a Small Diverse Business. The Department will be using a single expiration date, as determined by SBPI expiration, for both SBPI status and Small Diverse Business status. This approach will streamline the overall process for vendors seeking contracting opportunities with the Commonwealth.

Fiscal Impact

The amended statement of policy is fiscal neutral.

Effective Date

The amended statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Specific questions relating to information provided in this statement of policy may be directed to the Department of General Services, Office of Chief Counsel, 603 North Office Building, 401 North Street, Harrisburg, PA 17120.

SHERI PHILLIPS,
Secretary

(Editor's Note: Title 4 of the Pennsylvania Code is amended by amending the statements of policy in §§ 58.303 and 58.304 to read as set forth in Annex A.)

Fiscal Note: 8-19. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE I. GENERAL

CHAPTER 58. CONTRACT COMPLIANCE

Subchapter D. INTERNAL GUIDELINES FOR SMALL BUSINESS SELF-CERTIFICATION AND SMALL DIVERSE BUSINESS VERIFICATION—STATEMENT OF POLICY

§ 58.303. Self-certification of eligible small businesses.

(a) *Online self-certification for small businesses.* To participate in the SBPI and the Small Diverse Business Program, small businesses shall self-certify through an

online application process outlined at www.smallbusiness.pa.gov. The SBPI enables eligible small businesses to compete for prime contracting opportunities with the Commonwealth against other eligible small businesses. Upon successful completion of the SBPI self-certification process, the small business will be issued a certificate. The self-certification will remain in effect for 1 year. The small business shall recertify on an annual basis to maintain its status as a self-certified small business.

(b) *Eligibility requirements.*

(1) A small business shall meet the following requirements to participate in the SBPI:

(i) The business shall be a for-profit United States business that is independently owned.

(ii) The business may not be dominant in its field of operation nor a subsidiary of another business.

(iii) The business may not employ more than 100 full-time equivalent employees.

(iv) The business shall earn less than the amounts designated by the Department, that is, \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or information technology service business and \$7 million in gross annual revenues for those businesses performing building design services).

(2) The Department reserves the right to alter revenue limits. Changes will appear in the Department's guidelines at www.smallbusiness.pa.gov.

(c) *Limitation.* The Department's self-certification process as set forth in this section is limited to small business status and should not be construed as an endorsement of the small business expertise.

(d) *Program auditing.* The Department reserves the right to audit small business status either randomly or based on allegations of noneligibility. An applicant providing false information to the Commonwealth in connection with self-certification or as part of the bidding process is subject to debarment or suspension, exclusion from the SBPI, a determination that the bidder is not responsible under the Contractor Responsibility Program and criminal prosecution or other legal action.

§ 58.304. Verification of Small Diverse Businesses.

(a) *Prerequisite.* To complete the verification process for consideration as a Small Diverse Business, the business shall, as a prerequisite, complete the self-certification process in § 58.303 (relating to self-certification of eligible small businesses) and present the resultant certificate as documentation in support of the verification process in this section.

(b) *Verification of Small Diverse Business status.* The Department will verify MBE, WBE, VBE or SDVBE status through the verification of certification from one or more of the following approved third-party entities:

(i) The Unified Certification Program.

(ii) The National Minority Supplier Development Council.

(iii) The Women's Business Enterprise National Council.

(iv) The United States Small Business Administration 8(a) Program.

(v) The United States Department of Veteran Affairs through the www.VetBiz.gov business database.

(vi) Additional entities as identified, approved and publicly posted by the Department on its web site at www.dgs.state.pa.us.

(c) *Documentation.* Applicants shall submit proof of active certifications from approved third parties in accordance with the requirements outlined on the Department's web site. The Department reserves the right to request additional information and conduct further review or auditing as needed.

(d) *Existing certification transition.* The certifications of firms previously certified by the Department as MBE, WBE, VBE or SDVBE were valid through January 11, 2013, unless the firms successfully completed the Commonwealth's SBPI self-certification prior to January 11, 2013. A previously certified firm that obtained SBPI self-certification prior to January 11, 2013, automatically had its status as a Small Diverse Business extended to the same expiration date as the SBPI self-certification expiration. Prior to the SBPI self-certification expiration, a firm shall obtain approved third-party certification to maintain its status as a Small Diverse Business. A firm that fails to obtain approved third-party certification prior to the SBPI self-certification expiration date will have its status as a Small Diverse Business deemed "inactive" and will be unable to participate in the Small Diverse Business Program.

(e) *Single expiration date.* Regardless of the expiration date of the approved third-party certification, the expiration date of the Department verification as a Small Diverse Business is the same as the SBPI self-certification date. To maintain status as a Small Diverse Business, a firm shall provide an active third-party certification upon successfully recertifying as a small business.

(f) *Limitation.* The Department's verification process as set forth in this section is limited to Small Diverse Business status and should not be construed as an endorsement of Small Diverse Business expertise.

[Pa.B. Doc. No. 13-566. Filed for public inspection March 29, 2013, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 6000]

Intellectual Disability Manual

Scope

This statement of policy applies to administrative entity administrators or directors, County Mental Health/Intellectual Disability Program administrators or directors, supports coordination organization directors, providers of intellectual disability services, State center directors, non-State intermediate care facility for persons with an intellectual disability directors and individuals, and families, relatives and surrogates.

Purpose

The purpose of this statement of policy is to rescind various statements of policy that are no longer current. Chapter 6000, Subchapters A, G, I—K and M are being rescinded.

Discussion

Upon review of the Office of Developmental Programs' (ODP) current statements of policy, it was determined that various subchapters in Chapter 6000 (relating to statements of policy) should be rescinded. These subchapters are being rescinded for various reasons. Some of these subchapters discussed general information or procedures that do not reflect current practice, while others contained information that is codified in Chapter 51 (relating to Office of Developmental Programs home and community-based services) or 23 Pa.C.S. Chapter 63 (relating to child protective services) or is in the approved Consolidated and Person/Family Directed Support Waivers.

Effective Date

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

Obsolete Bulletins

The following bulletins are obsolete:

6000-88-02, Mandatory Child Abuse and Criminal History Clearances

6000-89-02, Public Law 99-457, Part H Adoption of the 14 Components as Policy

6000-90-02, Support for Independent Living

6000-90-03, Supplemental Grant Agreement for the 2176 Waiver

6000-90-04, Provider Agreements Under 2176 Waiver

6000-90-05, Therapy and Other Specialized Services

6000-90-06, Policy on Employment for Persons with Mental Retardation

Intellectual disability bulletins are publically available. Bulletins issued in 1985 and later may be obtained on the Department of Public Welfare's (Department) web site at <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx>. An ODP bulletin that is obsolete may still be viewed on the Department's web site at <http://www.dpw.state.pa.us>. An obsolete bulletin has a (*) by the bulletin number.

Contact Person

Questions should be directed to the regional program manager at the appropriate regional ODP. Copies of this statement of policy may be obtained at the local Mental Health /Intellectual Disability County Program, administrative entity or regional ODP 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

BEVERLY D. MACKERETH,
Acting Secretary

(Editor's Note: Title 55 of the *Pennsylvania Code* is amended by deleting the statements of policy in §§ 6000.1—6000.3, 6000.21—6000.26, 6000.31, 6000.32, 6000.41—6000.44, 6000.601, 6000.641—6000.646,

6000.661—6000.666, 6000.681—6000.689, 6000.761—6000.765 and 6000.771—6000.778 to read as set forth in Annex A.)

Fiscal Note: 14-BUL-101. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VIII. INTELLECTUAL DISABILITY MANUAL

Subpart A. STATEMENTS OF POLICY

CHAPTER 6000. STATEMENTS OF POLICY

Subchapter A. (Reserved)

Sec.
6000.1—6000.3. (Reserved).
6000.21—6000.26. (Reserved).
6000.31. (Reserved).
6000.32. (Reserved).
6000.41—6000.44. (Reserved).

Subchapter G. (Reserved)

Sec.
6000.601. (Reserved).

Subchapter I. (Reserved)

Sec.
6000.641—6000.646. (Reserved).

Subchapter J. (Reserved)

Sec.
6000.661—6000.666. (Reserved).

Subchapter K. (Reserved)

Sec.
6000.681—6000.689. (Reserved).

Subchapter M. (Reserved)

Sec.
6000.761—6000.765. (Reserved).
6000.771—6000.778. (Reserved).

[Pa.B. Doc. No. 13-567. Filed for public inspection March 29, 2013, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 439b]

Gaming Junket Representatives

On January 9, 2013, the Pennsylvania Gaming Control Board (Board) adopted the statement of policy in § 439b.1 (relating to gaming junket representatives).

With the passage of the act of January 7, 2010 (P.L. 1, No. 1) (Act 1), provisions were added to 4 Pa.C.S. Part II (relating to gaming) requiring junket representatives and enterprises to obtain an occupation permit and license, respectively, before a junket to a licensed facility could be organized. Notwithstanding that requirement, 4 Pa.C.S. Part II provided that individuals who held an occupation permit and were employed by a slot machine licensee could perform the functions of a junket representative.

This statement of policy contains the Board's interpretation of 4 Pa.C.S. Part II and establishes criteria that Board staff will use to determine whether an individual is a bona fide employee of a slot machine licensee. Based on the criteria, if the individual is not in fact an employee of a slot machine licensee, the junket enterprise and repre-

sentative will be required to be licensed/permitted in accordance with Chapter 439a (relating to junket enterprises).

Additionally, with this statement of policy, the Board approved the awarding of conditional licenses to junket enterprises that have passed a preliminary review of their applications and have been vetted in another gaming jurisdiction with similar standards. Conditional licensure should allow junket enterprises to provide their services to a slot machine licensee prior to completion of the full background investigation, much like conditional licensure of manufacturers and suppliers and interim authorization of gaming service providers.

Contact Person

The contact person for questions about this statement of policy is Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, (717) 346-8324.

Effective Date

This statement of policy is effective upon publication.

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: Title 58 of the *Pennsylvania Code* is amended by adding the statement of policy in § 439b.1 to read as set forth in Annex A.)

Fiscal Note: 125-167. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 439b. GAMING JUNKET REPRESENTATIVES—STATEMENT OF POLICY

§ 439b.1. Gaming junket representatives.

(a) This section clarifies the act as it relates to an individual who is employed by a slot machine licensee and performs the same functions as a junket representative. Section 1604(c) of the act (relating to gaming junket representatives) states that an individual who is employed by a slot machine licensee and holds a valid occupation permit may act as a junket representative, even if the individual is not a resident of this Commonwealth.

(1) Board staff will evaluate the following indicia of employment to determine if an individual is a bona fide employee of a slot machine licensee:

(i) The individual receives a W-2 Form, wage and tax statement, from the slot machine licensee.

(ii) The slot machine licensee has the right to control or direct what work shall be done and how it shall be performed.

(iii) The individual is reimbursed by the slot machine licensee for business expenses incurred on behalf of the licensee.

(iv) The individual participates in or receives benefits from the licensee such as insurance, pension plan, vacation pay or sick pay.

(2) The individual will not be considered an employee of the slot machine licensee if one of the following conditions is met:

(i) The individual receives an IRS Form 1099, miscellaneous income form, from the slot machine licensee.

(ii) The individual is licensed or otherwise credentialed in another gaming jurisdiction as a junket enterprise/organizer or provides the same or similar services to gaming facilities in other markets.

(b) If the individual is not a bona fide employee of a slot machine licensee under subsection (a), the individual must be permitted as a junket representative and the junket enterprise must be licensed in accordance with the act and Chapter 439a (relating to junket enterprises).

(c) The Board may grant an applicant for a gaming junket enterprise license a conditional license to conduct business in this Commonwealth. To be eligible to obtain a conditional gaming junket enterprise license, the applicant shall:

(1) Submit a completed gaming junket enterprise license and gaming junket representative permit application, including the nonrefundable application fee as posted on the Board's web site, and pass a preliminary review.

(2) Submit agreements entered into between the slot machine licensee and the gaming junket enterprise or representative.

(3) Be licensed or credentialed, in good standing, to arrange or negotiate the terms of a gaming junket in a jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(4) Pass a preliminary review of the applicant's criminal history.

(5) Agree, in writing, that the grant of permission to conduct business with a conditional license does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the conditional licensure granted to the applicant, with or without prior notice to the applicant, if the Bureau of Licensing is notified that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(d) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant that has received a conditional gaming junket enterprise license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the gaming junket enterprise shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee.

(e) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and the slot machine licensee by registered mail that:

(1) Permission for the conditional licensee to conduct business has been rescinded.

(2) Slot machine licensees shall cease conducting business with the gaming junket enterprise by the date specified in the notice.

(f) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct new business in this Commonwealth.

(g) The slot machine licensee shall investigate the background and qualifications of the applicant for a gaming junket enterprise license with whom the slot machine licensee intends to have a relationship or enter into a contractual agreement.

(h) The slot machine licensee has an affirmative duty to avoid agreements or relationships with a person applying for a gaming junket enterprise license whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth or who threatens the integrity of gaming in this Commonwealth.

(i) The slot machine licensee has a duty to inform Board staff of an action by an applicant for or holder of a gaming junket enterprise license which the slot machine licensee believes would constitute a violation of the act or the Board's regulations.

[Pa.B. Doc. No. 13-568. Filed for public inspection March 29, 2013, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Discontinuance of Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice that: (1) it will not implement or offer a Dog Control Facility Bill Reimbursement Grant Program (Program) in the 2013-2014 fiscal year; and (2) it does not plan to offer the Program in subsequent years. The Department has, in each of the last 4 years, provided prospective Program participants (humane societies or associations for the prevention of cruelty to animals) notice of the impending discontinuance of the Program, and has encouraged these entities to budget accordingly. These notices were provided at 38 Pa.B. 6174 (November 8, 2008), 39 Pa.B. 5324 (September 12, 2009), 40 Pa.B. 5199 (September 11, 2010) and 42 Pa.B. 565 (January 28, 2012).

Questions may be directed to Acting Director Michael Pechart at (717) 783-6985.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 13-569. Filed for public inspection March 29, 2013, 9:00 a.m.]

Holding and Humane Disposition of Stray Unlicensed Dogs

The Department of Agriculture (Department) gives notice that effective July 1, 2013, it shall increase the amount it reimburses facilities for services rendered by a

legally constituted law enforcement agency maintaining a compound for the humane disposition of stray, unlicensed dogs apprehended running at large. The current reimbursement amount is \$25 per dog. As of July 1, 2013, the reimbursement amount for the care and disposal of dogs at the facilities shall increase to \$40 per dog. No other fee will be paid by the Department for the care and disposal of stray unlicensed dogs with respect to which this \$40 per dog sum is accepted. As stated in 7 Pa. Code § 25.3 (relating to claim for fees), the "Affidavit in Claim for Fees for Holding and Humanely Disposing of Unlicensed Dogs" shall be submitted quarterly to the nearest district office of the Department within 10 days following the last day of March, June, September and December. Affidavits not received within 10 days following the last day of March, June, September and December will not be reimbursed.

This reimbursement is authorized under 7 Pa. Code § 25.1 (relating to general), which allows the Secretary of the Department to determine an appropriate reimbursement amount (over \$5) on a funds-available basis. The reimbursement payments will be funded from the Dog Law Restricted Account, from funds which are hereby declared to be "surplus" funds for the limited purposes in section 1002(b) of the Dog Law (3 P.S. § 459-1002(b)).

The referenced \$40 per dog payments shall be applicable to dogs disposed on or after July 1, 2013, and will continue on a funds-available basis until further notice.

Questions can be directed to Acting Director of the Dog Law Enforcement Office, Michael Pechart at (717) 783-6985.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 13-570. Filed for public inspection March 29, 2013, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 19, 2013.

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

BANKING INSTITUTIONS
Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-5-2012	East River Bank Philadelphia Philadelphia County	Effective
	Application for approval to purchase assets and assume liabilities of one branch of VIST Bank, Wyomissing, PA, located at: 36 North 3rd Street Philadelphia Philadelphia County	

Branch Applications
De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-9-2013	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	821 West Lancaster Avenue Wayne Chester County	Opened
3-19-2013	PeoplesBank, A Codorus Valley Company York York County	118 Carlisle Street Hanover York County	Approved

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-17-2013	Royal Bank America Narberth Montgomery County	<i>Into:</i> 105 West Fourth Street Bridgeport Montgomery County <i>Into:</i> 655 West Dekalb Pike King of Prussia Montgomery County <i>From:</i> 106 Beidler Road King of Prussia Montgomery County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-571. Filed for public inspection March 29, 2013, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in

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

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064211 (Sewage)	Schuylkill Valley Sewer Authority WWTP Ridge Road T-770 Blythe Twp, PA 17930	Schuylkill County Blythe Township	Schuylkill River (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081833 (Sew)	SK Part II, LTD— Peach Bottom Inn Motel 6085 Delta Road Delta, PA 17314	York County / Peach Bottom Township	Scott Creek / 7-I	Y
PA0086878 (IW)	Hamburg Municipal Authority— Water Filtration Plant 61 North 3rd Street Hamburg, PA 19526	Berks County / Windsor Township	Furnace Creek / 3-B	Y
PA0087769— (IW/GWCU)	Texas Eastern Transmissions, LP 5400 Westminster Court Houston, TX 77056	Perry County / Carroll Township	Shermans Creek / 7-A	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0082066 (IW)	Valley Proteins, Inc.— (Terre Hill Division) 693 Wide Hollow Road Terre Hill, PA 17519	Lancaster County / East Earl Township	Muddy Creek / 7-J	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0026425 Sewage	Lincoln Road STP 1955 Lincoln Road Pittsburgh, PA 15235	Allegheny County Penn Hills Township	Shades Run	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0103373 (Sewage)	Foxburg STP River Road, Foxburg, PA 16036	Clarion County Foxburg Borough	Allegheny River (17-C)	Y
PA0103471 (Sewage)	Shenango Township STP Campground Road, West Middlesex, PA 16159	Mercer County Shenango Township	Shenango River (20-A)	Y
PA0014427 (Industrial Waste)	Allegheny National Fish Hatchery 6616 Hemlock Road, Warren, PA 26365	Warren County Glade Township	Allegheny River (16-B)	Y

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

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

PA0029441, Sewage, SIC Code 4952, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Facility Name: Upper Dublin WWTP. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage effluent through Outfall 001 and site stormwater through Outfalls 002 and 003.

The receiving stream(s), an unnamed tributary to Sandy Run, locally known as Pine Run, is located in State Water Plan watershed 3-F and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Instant. Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.09	XXX	0.3
CBOD ₅	Report	XXX	XXX	Report	XXX	XXX
	Raw Sewage Influent May 1 - Oct 31	117	174	XXX	13	19
	Nov 1 - Apr 30	229	339	XXX	25	37
					Wkly Avg	50
BOD ₅	Report	XXX	XXX	Report	XXX	XXX
	Raw Sewage Influent					
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent	275	412	XXX	30	45	60
Total Suspended Solids					Wkly Avg	
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000*
Nitrate-Nitrite as N	Report	XXX	XXX	Geo Mean Report	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31	20	XXX	XXX	2.2	XXX	4.4
Nov 1 - Apr 30	60	XXX	XXX	6.6	XXX	13.2
Total Phosphorus	18	XXX	XXX	2.0	XXX	4.0
Orthophosphate as P						
Apr 1 - Jul 31	13	XXX	XXX	1.4	XXX	2.8
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	0.056	0.087	XXX
Free Available Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Thallium	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

*Not to exceed 1,000/100ml in greater than 10% of samples tested

The proposed effluent limits for Outfall 002 are based on a design flow of an average storm event. Monitoring is not required for Outfall 003.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
CBOD ₅	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX

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

- Notification of designation of responsible operator
- Definition of average weekly
- Remedial measures if public nuisance
- No stormwater to sanitary sewers
- Necessary property rights
- Small stream discharge
- Change of ownership
- Specification of test methods
- Proper sludge handling
- Chlorine minimization
- TMDL/WLA data submission
- Operator training
- Instantaneous maximum limits
- Operation and maintenance plan

- Laboratory certification
- Fecal coliform reporting
- Whole effluent toxicity requirements
- Stormwater requirements

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

The EPA Waiver is not in effect.

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

PA0070491, Sewage, SIC Code 8052, **Mahoning Valley Nursing and Rehabilitation Center**, 397 Hemlock Drive, Lehighton, PA 18235. Facility Name: Mahoning Valley Nursing and Rehabilitation Center Wastewater Treatment Plant. This existing facility is located in Mahoning Township, **Carbon 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, Stewart Creek, is located in State Water Plan watershed 02B and has an existing use classification of Exceptional Value, 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 0.02 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.8
CBOD ₅	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
(Interim) May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	XXX
(Final) May 1 - Oct 31	XXX	XXX	XXX	16.4	XXX	32.8
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is in effect.

PA0060089, Sewage, SIC Code 4952, **Middle Smithfield Township**, 25 Municipal Drive, East Stroudsburg, PA 18302-9710. Facility Name: Fernwood WWTP. This existing facility is located in Middle Smithfield Township, **Monroe 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, Bush Kill, is located in State Water Plan watershed 01D and is classified for, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅	205	330	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	60
		Wkly Avg				

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	25	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	75	XXX	XXX	9.0	XXX	18.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Copper (Final)	XXX	XXX	XXX	0.023	Daily Max 0.037 Daily Max	XXX
UV Transmittance (mjoules/cm ²)	XXX	XXX	XXX	Report	XXX	XXX

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

- Whole Effluent Toxicity (WET) Testing
- Toxic Reduction Evaluation (TRE)

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

The EPA Waiver is not in effect.

PA0012963, Industrial Waste, SIC Code 2631, **Rock-Tenn Converting Company**, P. O. Box 770, 1 Paper Mill Road, Delaware Water Gap, PA 18327. Facility Name: Rock-Tenn Converting Company Stroudsburg Mill. This existing facility is located in Smithfield Township, **Monroe County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste. The draft permit was published in the February 2, 2013, *Pennsylvania Bulletin*. Revisions have been made to the effluent limits for Outfall 001, to add limits for Total Residual Chlorine and to make the limits for Fecal Coliform effective upon permit issuance rather than phased in after one year.

The receiving stream, Brodhead Creek, is located in State Water Plan watershed 1-E and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.627 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Geometric Mean	Average Monthly	
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	XXX	0.5	1.6
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000

The proposed effluent limits for stormwater Outfalls 003, 004, 006 and 007 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.1415 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅						
(Interim)	311	622	XXX	Report	Report	XXX
(Final)	220	440	XXX	Report	Report	XXX
Total Suspended Solids	220	440	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	5,000	XXX	10,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

- Chemical Additives
- Requirements Applicable to Stormwater Outfalls.

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

The EPA Waiver is not in effect.

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

PA0080756, Sewage, SIC Code 7011, **Hershey Farm Restaurant and Motor Inn**, PO Box 159, Strasburg, PA 17579-0159. Facility Name: Hershey Farm Restaurant and Motor Inn. This existing facility is located in Strasburg Township, **Lancaster County**.

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

The receiving stream, Pequea Creek, is located in State Water Plan watershed 7-K 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 0.16 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	9.5	XXX	19
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7306	XXX	XXX	XXX
Net Total Phosphorus	Report	852	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

PA0021776, Sewage, SIC Code 4952, **Fairfield Municipal Authority**, PO Box 705, Fairfield, PA 17320. Facility Name: Fairfield Municipal Authority STP. This existing facility is located in Hamiltonban Township, **Adams County**.

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

The receiving stream, Spring Run, is located in State Water Plan watershed 13-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 0.300 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	63	100	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	75	113	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	3.8	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	11	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7306	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX

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

The EPA Waiver is in effect.

PAS803508, Storm Water, SIC Code 4213, **YRC Inc.**, 100 Roadway Drive, Carlisle, PA 17013-8890. Facility Name: YRC Inc. dba YRC Freight (135). This existing facility is located in Middlesex Township, **Cumberland County**.

Description of Activity: The application is for a new NPDES permit for an existing discharge of treated Storm Water, which replaces NPDES Permit No. PAR803610.

The receiving stream(s), Unnamed Tributary to Letort Spring Run, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The existing use is High Quality—Cold Water Fishes, Designated Class A Wild Trout. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, 002, 003, and 004:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Applicable Stormwater Requirements
- BMPs from Appendix J of the NPDES PAG-03 General Permit for facilities with SIC Code 42
- General BMPs from NPDES PAG-03 General Permit.

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.

PA0083569, Sewage, SIC Code 4952, **Riverview Homeowners Association**, 656 Excavating Drive, Roaring Springs, PA 16673. Facility Name: Riverview Estates Development. This existing facility is located in West Providence Township, **Bedford County**.

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

The receiving stream(s), Raystown Branch Juniata River, is located in State Water Plan watershed 11-C and is classified for Trout Stocking, 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 0.015 MGD.

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

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

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.

PAS223501, Storm Water, SIC Code 2421, 2448, **Mountain Valley Farms & Lumber Products, Inc.**, 1240 Nawakwa Road, Biglerville, PA 17307-9728. Facility Name: Mountain Valley Farms & Lumber Products. This existing facility is located in Menallen Township, **Adams County**.

Description of Existing Activity: The application is for a new NPDES permit for an existing discharge of treated Storm Water.

The receiving stream(s), Opossum Creek and Unnamed Tributary of Conewago Creek, is located in State Water Plan watershed 7-F and is classified for High Quality Waters—Cold Water Fishes,, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, 002, and 003:

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate as N	XXX	XXX	XXX	XXX	Report	XXX
Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Applicable Stormwater Requirements
- Best Management Practices (BMPs) from Appendix J of the NPDES PAG-03 General Permit for facilities with SIC Code 24
- General BMPs from NPDES PAG-03 General Permit

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.

PA0087033, SIC Code 6514, **Rachel Esh**, 6352 McClays Mill Road, Newburg, PA 17240-9616. Facility Name: Rachel Esh SFTF. This existing facility is located in Lurgan Township, **Franklin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0086461, Sewage, SIC Code 7033, **Pinch Pond Campground Inc.**, 3075 Pinch Road, Manheim, PA 17545-9551. Facility Name: Pinch Pond Campground. This existing facility is located in Rapho Township, **Lancaster County**.

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

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

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

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Annual Average	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	254	XXX	XXX	XXX	XXX
		Total Annual				

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

The EPA Waiver is not in effect.

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

PAS324802, Storm Water, SIC Code 1389, **O-Tex Pumping, LLC**, 2916 Old Route 422 East, Fenelton, PA 16034. Facility Name: O-Tex Pumping, LLC—Muncy Valley. This proposed facility is located in Laporte Township, **Sullivan County**.

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

The receiving stream(s), Unnamed Tributary to Big Hollow Run and Unnamed Tributary to Big Run, is located in State Water Plan watershed 10-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, 002, and 003.

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

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.

PA0008451, SIC Code 4911, **Sunbury Generation LP**, PO Box 517, 2384 Old Trail Road, Shamokin Dam, PA 17876-0517. Facility Name: Sunbury Generation LP. This existing facility is located in Monroe Township, **Snyder County**.

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

The receiving stream(s), Rolling Green Run and Susquehanna River, is located in State Water Plan watershed 6-A and 6-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 030 are based on a design flow of 251.7 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Residual Halogens	XXX	XXX	XXX	XXX	XXX	0.2
Temperature (°F)						
Intake	XXX	XXX	XXX	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Heat Rejection Rate (MBTUs/day)						
Jan 1-31 (Interim)	XXX	209600	XXX	XXX	XXX	XXX
Feb 1-29 (Interim)	XXX	229200	XXX	XXX	XXX	XXX
Mar 1-31 (Interim)	XXX	550100	XXX	XXX	XXX	XXX
Apr 1-15 (Interim)	XXX	609000	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Apr 16-30 (Interim)	XXX	609000	XXX	XXX	XXX	XXX
May 1-15 (Interim)	XXX	400800	XXX	XXX	XXX	XXX
May 16-31 (Interim)	XXX	668000	XXX	XXX	XXX	XXX
Jun 1-15 (Interim)	XXX	510800	XXX	XXX	XXX	XXX
Jun 16-30 (Interim)	XXX	510800	XXX	XXX	XXX	XXX
Jul 1-31 (Interim)	XXX	267200	XXX	XXX	XXX	XXX
Aug 1-15 (Interim)	XXX	238400	XXX	XXX	XXX	XXX
Aug 16-31 (Interim)	XXX	234800	XXX	XXX	XXX	XXX
Sep 1-15 (Interim)	XXX	187300	XXX	XXX	XXX	XXX
Sep 16-30 (Interim)	XXX	187300	XXX	XXX	XXX	XXX
Oct 1-15 (Interim)	XXX	188600	XXX	XXX	XXX	XXX
Oct 16-31 (Interim)	XXX	167700	XXX	XXX	XXX	XXX
Nov 1-15 (Interim)	XXX	209600	XXX	XXX	XXX	XXX
Nov 16-30 (Interim)	XXX	167700	XXX	XXX	XXX	XXX
Dec 1-31 (Interim)	XXX	157200	XXX	XXX	XXX	XXX
Jan 1-31 (Final)	XXX	21703	XXX	XXX	XXX	XXX
Feb 1-29 (Final)	XXX	23665	XXX	XXX	XXX	XXX
Mar 1-31 (Final)	XXX	46566	XXX	XXX	XXX	XXX
Apr 1-15 (Final)	XXX	61614	XXX	XXX	XXX	XXX
Apr 16-30 (Final)	XXX	61614	XXX	XXX	XXX	XXX
May 1-15 (Final)	XXX	68268	XXX	XXX	XXX	XXX
May 16-31 (Final)	XXX	307207	XXX	XXX	XXX	XXX
Jun 1-15 (Final)	XXX	163151	XXX	XXX	XXX	XXX
Jun 16-30 (Final)	XXX	163151	XXX	XXX	XXX	XXX
Jul 1-31 (Final)	XXX	71329	XXX	XXX	XXX	XXX
Aug 1-15 (Final)	XXX	69477	XXX	XXX	XXX	XXX
Aug 16-31 (Final)	XXX	79402	XXX	XXX	XXX	XXX
Sep 1-15 (Final)	XXX	87586	XXX	XXX	XXX	XXX
Sep 16-30 (Final)	XXX	55737	XXX	XXX	XXX	XXX
Oct 1-15 (Final)	XXX	68933	XXX	XXX	XXX	XXX
Oct 16-31 (Final)	XXX	77550	XXX	XXX	XXX	XXX
Nov 1-15 (Final)	XXX	78637	XXX	XXX	XXX	XXX
Nov 16-30 (Final)	XXX	22468	XXX	XXX	XXX	XXX
Dec 1-31 (Final)	XXX	16468	XXX	XXX	XXX	XXX
Total PCBs (µg/L)	XXX	XXX	XXX	XXX	XXX	0.065
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	130
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Copper (µg/L)	Report	Report	XXX	Report	Report	Report
Dissolved Iron	11.89	18.41	XXX	0.31	0.48	0.77
Total Thallium (µg/L)	0.009	0.014	XXX	0.25	0.39	0.62
Total PCBs (µg/L)	XXX	XXX	XXX	XXX	XXX	0.065

The proposed effluent limits for Outfall 032 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

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

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

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

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

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

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

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

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

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

The EPA Waiver is not in effect.

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

PA0217077, SIC Code 3541, **Almac Machine Company, Inc.**, 205 Morgan Place, Johnstown, PA 15901-1136. Facility Name: Almac Machine Company, Inc. Johnstown Plant. This existing facility is located in Johnstown City, **Cambria County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated machine shop overflow uncontaminated stormwater and groundwater.

The receiving stream, the Little Conemaugh River, is located in State Water Plan watershed 18-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 an intermittent design flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on an intermittent design flow.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	XXX		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	XXX	62	XXX
Oil and Grease	XXX	XXX	XXX	XXX	46	XXX

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 not in effect.

PA0218642, Sewage, SIC Code 4952, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. Facility Name: Marion Center STP. This existing facility is located in East Mahoning Township, **Indiana 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), Pine Run, is located in State Water Plan watershed 17-E 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 0.09 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	XXX		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD ₅	18.8	XXX	XXX	25	XXX	50
BOD ₅						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	22.5	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Transmittance (mjoules/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	3.4	XXX	XXX	4.5	XXX	9.0
Nov 1 - Apr 30	10.1	XXX	XXX	13.5	XXX	27.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0020346, Sewage, SIC Code 4952, **Punxsutawney Borough**, 301 East Mahoning Street, Suite 1, Punxsutawney, PA 15767. Facility Name: Punxsutawney Borough STP. This existing facility is located in Punxsutawney Borough, **Jefferson 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, the Mahoning Creek, is located in State Water Plan watershed 17-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 2.4 MGD.

Parameters	Mass (lbs/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	430	645	XXX	21.5	32.0	43.0
Total Suspended Solids	600	900	XXX	30	45	60
Total Dissolved Solids	Report	48,000 Daily Max	XXX	Report	XXX	Report
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	150	XXX	XXX	7.5	XXX	15.0
Nov 1 - Apr 30	450	XXX	XXX	22.5	XXX	45.0
Total Barium	Report	XXX	XXX	Report	XXX	Report
Total Strontium	Report	XXX	XXX	Report	XXX	Report
Total Uranium (µg/L)	Report	XXX	XXX	Report	XXX	Report
Chloride	Report	XXX	XXX	Report	XXX	Report
Bromide	Report	XXX	XXX	Report	XXX	Report
Gross Alpha (pCi/L)	XXX	XXX	XXX	Report	XXX	Report
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	XXX	Report
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	5.0 Daily Max	XXX	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	5.0 Daily Max	XXX	XXX
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	5.0 Daily Max	XXX	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	5.0 Daily Max	XXX	XXX

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

- Requirement to Use eDMR System
- Solids Management
- Chronic WET Limitations
- Combined Sewer Overflows
- POTW Pretreatment Program Implementation
- Acceptance of Natural Gas-Related Wastewaters
- Chapter 95 Treatment Requirements
- Engineering Evaluation of the Second Oxidation Ditch
- Requirement To Sample For Al, Fe, and Mn During NPDES Renewal

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.

PA0005061, Industrial Waste, SIC Code 4911, **GenOn Power Midwest, LP**, 121 Champion Way, Suite 200, Canonsburg, PA 15317-5817. Facility Name: GenOn Power Midwest. This existing facility is located in Taylor Township, **Lawrence County**.

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

The receiving streams, the Beaver River and McKee Run are located in State Water Plan watershed 20-B and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 139.3 MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.2
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Heat Rejection Rate (MBTUs/day)						
Jan 1-31	XXX	49,096	XXX	XXX	XXX	XXX
Feb 1-29	XXX	46,516	XXX	XXX	XXX	XXX
Mar 1-31	XXX	41,096	XXX	XXX	XXX	XXX
Apr 1-15	XXX	46,465	XXX	XXX	XXX	XXX
Apr 16-30	XXX	41,959	XXX	XXX	XXX	XXX
May 1-15	XXX	20,610	XXX	XXX	XXX	XXX
May 16-31	XXX	38,334	XXX	XXX	XXX	XXX
Jun 1-15	XXX	48,413	XXX	XXX	XXX	XXX
Jun 16-30	XXX	39,078	XXX	XXX	XXX	XXX
Jul 1-31	XXX	43,303	XXX	XXX	XXX	XXX
Aug 1-15	XXX	35,490	XXX	XXX	XXX	XXX
Aug 16-31	XXX	39,749	XXX	XXX	XXX	XXX
Sep 1-15	XXX	38,451	XXX	XXX	XXX	XXX
Sep 16-30	XXX	40,548	XXX	XXX	XXX	XXX
Oct 1-15	XXX	43,866	XXX	XXX	XXX	XXX
Oct 16-31	XXX	41,778	XXX	XXX	XXX	XXX
Nov 1-15	XXX	44,114	XXX	XXX	XXX	XXX
Nov 16-30	XXX	44,114	XXX	XXX	XXX	XXX
Dec 1-31	XXX	42,367	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.006 MGD.

<i>Parameters</i>	<i>Mass (lbs/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
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 002 are based on a design flow of 0.42 MGD.

<i>Parameters</i>	<i>Mass (lbs/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>	

This outfall shall consist solely of intake screen backwash.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.26 MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 004 are based on a design flow of 1.0 MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Iron	XXX	XXX	XXX	3.0	7.0	8.75

The proposed effluent limits for Outfall 006 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Dissolved Iron	XXX	XXX	XXX	Report	XXX	7

The proposed effluent limits for Outfall 007 are based on a design flow of 0.71 MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 008 are based on a design flow of 0.08 MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	50

The proposed effluent limits for Outfall 009 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX

The proposed effluent limits for Outfall 012 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX

This discharge shall consist solely of stormwater runoff from the 138 KV Substation Area.

The proposed effluent limits for Outfall 013 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lbs/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
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX

This discharge shall consist solely of stormwater runoff from the 69 KV Substation Area.

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

- Requirement to Use eDMR System
- Other Permits
- Clean Water Act § 316(a) Thermal Variance Verification
- Establishment of Alternative Thermal Effluent Limitations
- Clean Water Act § 316(b) Cooling Water Intake Structure Requirements
- Chemical Additives
- Heat Rejection Rate Limitations
- Requirement Applicable to Stormwater Outfalls

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.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0210625, Industrial Waste, SIC Code 2421, 2426, **Bradford Forest Inc.**, 444 High Street, Bradford, PA 16701-3735. Facility Name: Bradford Forest Products. This existing facility is located in Bradford City, **McKean County**.

Description of Existing Activity: The application is for a renewal of a NPDES permit for an existing discharge of untreated industrial wet decking wastewater and stormwater from an industrial activity.

The receiving streams are the East Branch Tunungwant Creek and Rutherford Run, located in State Water Plan watershed 16-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001, 002, 003, 004, 007, 009, and 010 are storm water based.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Oxygen	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005, 006 and 008 are based on a 0.006-MGD wet decking design flow for each outfall.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average	Daily	Minimum	Average	Daily	Instant. Maximum
	Monthly	Maximum		Monthly	Maximum	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Oxygen	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX

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 in effect.

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

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

WQM Permit No. 0613401, CAFO, **John and Linda Leffel**, 391 Franklin Road, Bechtelsville, PA 19505.

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

Description of Proposed Action/Activity: Installation of a dual chamber tank and an Orenco AdvaTex AX-20 treatment unit followed by a UV disinfection unit. The proposed system is to replace a malfunctioning onlot septic system.

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

WQM Permit No. 2593416, Sewerage **Amendment No. 1**, **Eric D. Engel**, 12862 Hood Road, Waterford, PA 16441.

This existing facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Application for transfer of permit for a Single Residence Sewage Treatment Plant.

WQM Permit No. 6286403, Sewerage, **Donna R. & Ronald V. Schenk**, 1439 Greeley Street, Bear Lake, PA 16402.

This existing facility is located in Bear Lake Borough, **Warren County**.

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

WQM Permit No. WQG01251303, Sewerage, **Adam M. Bogda**, 5676 Old State Road, Edinboro, PA 16412.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

IV. NPDES Applications for Stormwater Discharges from MS4

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

PAI133516, MS4, Naval Support Activity, Mechanicsburg PA, 5450 Carlisle Pike Bldg 305, Mechanicsburg, PA 17050-5001. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Hampden Township, **Cumberland County**. The receiving stream(s), Unnamed Tributary to Trindle Spring Run, is located in State Water Plan watershed 7-B and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

Lehigh County Conservation District: Lehigh Agricultural Center, 4184 Dorney Park Road, Suite 105, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907018R	Dan Hudson PF1, Lehigh Valley 1, LP 729 E. Pratt St., Ste. 401 Baltimore, MD 21202	Lehigh	Lower Macungie Twp.	Lehigh River, HQ-CWF, MF
PAI023912033R	Michael Weaver Spring Ridge Crossing, LLC 1750 Walton Rd. Blue Bell, PA 19422	Lehigh	Lower Macungie Twp.	Swabia Creek, HQ-CWF, MF
PAI023912031	David Posocco Posocco Properties 2610 Walbert Ave. Allentown, PA 18104	Lehigh	Upper Macungie Twp. and South Whitehall Twp.	Unnamed Tributary to Jordan Creek, HQ-CWF, MF

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050313001	Armstrong County Industrial Development Authority 124 Armsdale Road Suite 205 Kittanning, PA 16201	Armstrong	South Buffalo Township	UNT to Nicholson Run (WWF), UNT to Pine Run (HQ-TSF)
PAI056310006-1	KVKS Corporation 2696 Industrial Blvd Bethel Park, PA 15102	Washington	Donegal Township	Dutch Fork (HQ-WWF)

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

PAG-12 CAFOs

STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Murmac Farms 2336 Zion Road Bellefonte, PA 16823	Centre	1,153	2,402	Dairy	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 4113501—Construction Public Water Supply.

Applicant	Little Pine State Park
[Township or Borough]	Cummings Township
County	Lycoming
Responsible Official	Barry L. Eppley, P.E. Assistant Regional Engineer DCNR—Northcentral Engineering Office 262 Sizerville Road Emporium, PA 15834
Type of Facility	Public Water Supply
Consulting Engineer	Barry L. Eppley, P.E. Assistant Regional Engineer DCNR—Northcentral Engineering Office 262 Sizerville Road Emporium, PA 15834
Application Received	March 19, 2013
Description of Action	Construction of a filtration system to remove iron, manganese and arsenic from the raw water.

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

Permit No. 2013502, Public Water Supply

Applicant	Meadville Area Water Authority
Township or Borough	Vernon Township
County	Crawford
Responsible Official	Timothy Groves
Type of Facility	Public Water Supply

Consulting Engineer David R. Knapton
Gannett Fleming, Inc.
601 Holiday Drive
Pittsburgh, PA 15220

Application Received Date February 28, 2013

Description of Action Construct new clearwell to replace the existing and add a new chemical building.

Permit No. 1013501, Public Water Supply

Applicant **Pine Haven Home, Inc.**

Township or Borough Clearfield Township

County **Butler**

Responsible Official Gregory Walter

Type of Facility Public Water Supply

Consulting Engineer William J. McGarvey
McGarvey Engineering
172 Woodcrest Road
Butler, PA 16002

Application Received Date February 14, 2013

Description of Action Upgrading the existing public system by adding two new mix tanks to the system to allow for some onsite storage for emergencies.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 3913501MA

Applicant **Mount Trexler Manor, Inc.**

[Township or Borough] Upper Saucon Township
Lehigh County

Responsible Official Judith O. Yanacek,
Administrator
P. O. Box 1001
Limeport, PA 18060

Type of Facility Community Water System

Consulting Engineer David A. Martin, PE
Keystone Consulting
Engineers, Inc.
2870 Emrick Boulevard
Bethlehem, PA 18020
610-865-2555

Application Received Date March 1, 2013

Description of Action Application for relocating the existing chlorine analyzer, feed pump, flow meter to a new building.

Application No. 4813504MA

Applicant **Easton Suburban Water Authority**

[Township or Borough] City of Easton
Northampton County

Responsible Official Bruce Walter, Facility Foreman
Easton Suburban
Water Authority
3700 Hartley Avenue
Easton, PA 18045

Type of Facility Community Water System

Consulting Engineer Kirk Ervin, PE
US Engineering, LLC
13742 Mary Lane
Aviston, IL 62216
314-614-9120

Application Received Date March 7, 2013

Description of Action Application for renovation, repair and painting of the Farmersville standpipe.

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

Application No. 0213504MA, Minor Amendment.

Applicant **The Municipal Authority of the Borough of West View**
210 Perry Highway
Pittsburgh, PA 15229

[Township or Borough] Ohio Township

Responsible Official Joseph A. Dinkel,
Executive Director of Operations
The Municipal Authority of the
Borough of West View
210 Perry Highway
Pittsburgh, PA 15229

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date March 11, 2013

Description of Action Installation of approximately 4,100 feet of 16-inch diameter waterline along Mount Nebo Road.

Application No. 0213505MA, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official James L. Good,
Interim Executive Director
Pittsburgh Water & Sewer
Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer

Application Received Date March 19, 2013

Description of Action Installation of approximately 1,000 feet of 16-inch diameter waterline along Heinz Street and River Avenue.

Application No. 0213506MA, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official James L. Good,
Interim Executive Director
Pittsburgh Water & Sewer Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer

Application Received Date March 19, 2013

Description of Action Installation of a pressure reducing vault on Stafford Street in the City of Pittsburgh.

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

Application No. 6413501, Public Water Supply.

Applicant **Fox Ledge, Inc.**

[Township or Borough] Mt. Pleasant Township
Wayne County

Responsible Official Dominic Panza
Executive VP/Chief
Operating Officer
Fox Ledge, Inc.
1432 Bethany Turnpike
Honesdale, PA 18431

Type of Facility Bottled Water System

Consulting Engineer Tad Moser, PE
Keystone Consulting &
Associates, LLC
34 Brown Street
Honesdale, PA 18431

Application Received Date February 7, 2013

Description of Action Application for installation of equipment, piping and associated controls to inject additives to produce two new products.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S.

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

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

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

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

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

Lockheed Martin Missiles and Fire Control, 459 Kennedy Drive, Archbald Borough, **Lackawanna County**, Sonya Ward, H2M Associates, Inc., has submitted a Notice of Intent to Remediate (on behalf of her client, Mr. Timothy Seechock, Facilites-ESH Manager, Lockheed Martin Corporation, 459 Kennedy Drive, Archbald, PA 18403), concerning the remediation of chlorinated compounds (trichloroethene, 1,1,1-trichloroethane, 1,1-dichloroethane, and tetrachloroethene in soil and trichloroethene, 1,1-dichloroethene and vinyl chloride in groundwater) at the property location cited above as a

result due to historical operations. The applicant proposes to remediate the site to meet the Non-Residential Site Specific Standard for soils and groundwater. The intended use of the site will be for non-residential purposes. A summary of the Notice of Intent to remediate was published in *The Scranton Times* on March 26, 2013.

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

Christian Thorne Property, 3 Poplar Avenue, Temple, PA 19560, Alsace Township, **Berks County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Christian Thorne, 3 Poplar Avenue, Temple, PA 19560, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil. The site will be remediated to the Residential Statewide Health standard and remain residential.

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

Former Pittsburgh and Lake Erie Railroad, Castriota Property, Adrian and O'Donovan Streets, McKees Rocks Borough, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Craig Rippole, Greenville Commercial Properties, LP, has submitted a Notice of Intent to Remediate. The property had historically been used as a rail yard by the Former Pittsburgh & Lake Erie Railroad. Potential contaminants of concern include petroleum constituents, VOC's, SVOC's and heavy metals. The site is intended to remain nonresidential.

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 Operat-

ing 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.

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

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

40-00121A: Greater Hazleton Joint Sewer Authority (P O Box 651, Hazleton, PA 18201) for installation of a sewage sludge incinerator at their facility in West Hazleton Borough, **Luzerne County**.

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

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

10-079D: BNZ Materials (191 Front Street, Zelienople, PA 16063) for reactivation of Kiln No. 3 and associated drying and finishing operations last operated during 2004 in Zelienople Borough, **Butler County**. This is a Title V facility.

43-270H: CCL Container Corp. (1 Llodio Drive, Hermitage, PA 16148) for installation of a regenerative thermal oxidizer (RTO) to reduce VOC emissions on sources 101 through 105, in synthetic minor operating permit 43-00270 in Hermitage City, **Mercer County**. The facility manufactures aluminum cans used for packaging various consumer products.

43-290C: NLMK Pennsylvania—Sharon Coatings LLC (15 Roemer Boulevard, Farrell, PA 16121) for modification of emission limits for sources 101 and 102, in synthetic minor operating permit 43-00290 in Sharon City, **Mercer County**. The facility manufactures hot dip galvanized and galvanized steel coils.

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

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

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

46-0029E: Glasgow, Inc. (Route 309 & Hartman Road Montgomeryville, PA 18936) for installation of one crusher and three (3) conveyors at Glasgow's existing quarrying operation in Montgomery Township, **Montgomery County**. This facility is a synthetic minor facility. The expected increase in particulate matter emissions from the crusher and three conveyors is less than one ton per year. There will be no increase of any other emissions at this facility under this authorization. The crusher and conveyors will be powered by electricity from the electric grid. The Plan Approval will contain testing, monitoring and recordkeeping requirements and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

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

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

35-322-012: Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunmore, PA 18512-0249) for increase in tonnage at their facility in Throop and Dunmore Boroughs, **Lackawanna County**. The tonnage will increase in average daily volume of waste accepted from 4,750 tons to 7,250 tons per day. The maximum daily volume will increase from 5,000 tons to 7,500 tons. The annual rates will increase from 1,470,000 TPY to 2,262,000 TPY. The existing gas collection system will provide sufficient combustion capacity to destroy all of the landfill gas generated over the life of the landfill. The landfill operation is also subject to NSPS Part 60, Subpart WWW and MACT 40 CFR Part 63, Subpart AAAA. Malodorous emissions shall not be detected outside the plant property line at any time. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit 35-00014 through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2531 within 30 days after publication date.

35-322-013: Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunmore, PA 18512-0249) for installation of additional flares to control emissions at their facility in Throop and Dunmore Boroughs, **Lackawanna County**. The proposed flares will provide sufficient combustion capacity to destroy all of the landfill gas generated over the life of the landfill. The company has proposed no other changes. The new flares shall have a destruction efficiency of 98% for non-methane volatile organic compounds. The landfill operation is also subject to NSPS Part 60, Subpart WWW and MACT 40 CFR Part 63, Subpart AAAA. Malodorous emissions shall not be detected outside the plant property line at any time. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code 127.450, be incorporated into the Title V Operating Permit 35-00014 through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2531 within 30 days after publication date.

54-308-028: SAPA Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) for installation of a new

Holding Furnace, a new Holding Furnace, five new age ovens and the removal of four existing pieces. NO_x emissions will increase by 11.89 TPY, CO emissions will increase by 9.99 TPY. SAPA Extrusion is a major facility subject to Title V permitting requirements and is located in Cressona Borough, **Schuylkill County**. The company currently has a Title V Permit 54-00022. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the furnaces operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

48-318-138: Schutt Sports (8 McFadden Road, Easton, PA 18045) for a plan approval to construct and operate a painting operation at their facility in Palmer Township, **Northampton County**. The Department's review of the information submitted by Schutt Sports indicates that the proposed painting operation will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.04 grains/dscf. The company shall be subject to and comply with 25 Pa. Code § 129.52 for VOC emission limits. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The painting operation is subject to 40 CFR Part 60 Subpart PPPP. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. Emissions will be controlled by the use of dry filters. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

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

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

28-03022B: Valley Quarries, Inc. (PO Box 2009, Chambersburg, PA 17201) for replacement of the primary crusher at their Mt. Cydonia 1 sand plant in Guilford Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 28-03022B authorizes the installation of the Source ID 102A primary crusher to replace a similar unit at the facility. Particulate matter (PM) emissions from the sand plant are controlled by wet suppression. The Plan Approval and Operating permit will contain emission limits, along with monitoring, recordkeeping and reporting requirements to ensure the plant complies with the applicable air quality requirements. Potential particu-

late matter emissions from the replacement crusher are estimated at around 3 tons per year.

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

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

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

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

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

36-05159A: Covance Research Products, Inc. (310 Swamp Bridge Road, Denver, PA 17517) for authorization to operate five emergency generators at the biomedical research facility in West Cocalico Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 36-05159A is authorizing the operation of a Cummins Electric Generator (200kw), a Caterpillar Electric Generator (1250kw), a Maxi Power Electric Generator (600kw), a Detroit Diesel Electric Generator (275kw) and a Martin Machinery Electric Generator (45kw). The facility has agreed to limit the operating hours of each generator to a maximum of 500 hours, including emergency operation, during any rolling 12-month period. The company shall be subject to and comply with 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected maximum air emissions, based on a maximum of 500 operating hours per generator, from the proposed project are 19.1 tpy of NO_x, 5.0 tpy of CO, 0.5 tpy of SO_x, 0.7 tpy of PM, 0.6 tpy of VOCs and 0.02 tpy of HAPs.

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

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

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

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

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.

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

38-03014D: Pennsy Supply, Inc. (1 Clear Spring Road, Annville, PA 17003) for relocation of some of their existing equipment at their Hummelstown Quarry to their Pennsy Supply, Millard Quarry in North Londonderry Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval #38-03014D is for relocation of some of the existing equipment at the Pennsy Supply Hummelstown Quarry to their Millard Quarry. The relocated plant will consist of five (5) belt conveyors, five (5) vibrating pan reclaim feeders, dryer burner, rotary dryer, bucket elevator, vibrating screen, surge bin, grinding mill, screw conveyors, pneumatic conveyors and six (6) product storage silos. The controls include a mill cyclone, three (3) fabric collectors, five (5) bin vents and six (6) truck loading spouts. The following equipment will be located inside an enclosed building: bucket elevator, vibrating screen, feed bin, grinding mill, cyclone, two (2) fabric collectors—exhausted outside, air classifier and various conveyors. The company shall be subject to and comply with 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants and 25 Pa. Code § 123.13 for particulate matter emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The potential air emissions from the proposed project are, based on burning natural gas, 11.0 tpy of NO_x, 53.9 tpy of CO, 1.5 tpy of SO_x, 37.3 tpy of PM, 16.6 tpy of VOCs and 2.3 tpy of HAPs. The potential air emissions from the proposed project are, based on burning waste derived liquid fuel, 24.1 tpy of NO_x, 56.9 tpy of CO, 25.4 tpy of SO_x, 37.3 tpy of PM, 14.0 tpy of VOCs and 4.6 tpy of HAPs.

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

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

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

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

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

36-03182A: Charles F. Snyder Funeral Home & Crematory, Inc. (3110 Lititz Pike, Lititz, PA 17543) for operation of a Matthews model No. IE43-PPII human cremation unit at the Charles F. Snyder, Jr. Funeral Home in Manheim Township, **Lancaster County**.

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

The cremation unit's secondary combustion chamber will control the emissions. The company shall be subject to and comply with 25 Pa. Code § 123.21 for sulfur emission limits. The plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 1.0 tpy of PM, 1.4 tpy of CO, 0.4 tpy of NO_x and 0.4 tpy of VOCs.

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

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

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

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

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

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

60-00022A: EN-TIRE Logistics of Milton PA, LLC. (PO Box 310, Tioga, TX 76271) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a tire-derived fuel and/or natural gas-fired two-stage steam and power generator in White Deer Township, **Union County**. The project consists of one combustion unit rated at 185 MMBtu/hr of heat input which consists of kiln and boiler stages in series. The project also includes the construction of a dry sorbent storage and handling system, a cooling tower, and one aqueous ammonia storage tank. This application is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21 and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility's greenhouse gas emissions are subject to the PSD requirements. The Department has determined that the proposed levels of the air contaminants emissions satisfy best available control technology (BACT) as well as the Department's BAT requirements.

The facility is also subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart Db-Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units codified in 40 CFR 60.40b—60.49b. The proposed project is also subject to the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources codified 40 CFR 63.11193—63.11237. The Department has determined that this facility satisfies all applicable requirements of these subparts including Maximum Achievable Control Technology (MACT) requirements.

Pursuant to 25 Pa. Code § 127.12(a)(2), EN-TIRE has performed an inhalation risk assessment. The inhalation risk assessment is based on the estimated chronic risks posed by the proposed facility operating at maximum operating load as well as two acute exposure scenarios posed by short term emissions. The risk assessment covers a selection of 35 compounds of potential concern (COPCs) which are considered by the Department to encompass the air toxics emissions expected to pose inhalation risk from the combustion of tire-derived fuel at the proposed facility. The inhalation risk assessment adequately demonstrates that the levels of risk posed by both chronic and acute exposure to the modeled COPCs do not exceed the Department's inhalation risk assessment benchmarks.

Based on these findings presented above, the Department intends to approve the application and issue a plan approval for the proposed construction and operation of the sources and air cleaning devices as indicated in the application. The facility will be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the

plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the Best Available Technology provisions of 25 Pa. Code §§ 127.1 and 127.12, and additional authority also derived from 40 CFR Part 60 Subpart Db, 40 CFR Part 63 Subpart JJJJJ, and 40 CFR 52.21, the air contaminant emissions from the proposed steam and power generator shall be controlled by a dry circulating fluidized bed scrubber, a fabric filter, an oxidation catalyst, selective catalytic reduction, and a caustic scrubber and shall not exceed the following limitations:

- nitrogen oxides (NO_x, expressed as NO₂)—0.048 lb per MMBtu of heat input and 37.3 tons in any 12 consecutive month period.
- carbon monoxide—0.118 lb per MMBtu of heat input, 420 ppmv at 3% O₂, and 91.7 tons in any 12 consecutive month period.
- volatile organic compounds—0.023 lb per MMBtu of heat input and 17.9 tons in any 12 consecutive month period.
- sulfur oxides (SO_x, expressed as SO₂)—0.048 lb per MMBtu of heat input and 37.3 tons in any 12 consecutive month period.
- particulate matter/PM₁₀/PM_{2.5}—0.011 lb per MMBtu of heat input and 8.6 tons in any 12 consecutive month period.
- total hazardous air pollutants—0.005 lb per MMBtu of heat input and 3.8 tons in any 12 consecutive month period.
- hydrogen chloride—0.004 lb per MMBtu of heat input and 3.2 tons in any 12 consecutive month period.
- mercury—0.0000048 lb per MMBtu of heat input and 7.8 lb in any 12 consecutive month period.
- dioxin/furan—0.0000000077 lb per MMBtu of heat input and 0.55 gram in any 12 consecutive month period.
- sulfuric acid mist—0.0033 lb per MMBtu of heat input and 2.6 tons in any 12 consecutive month period.
- greenhouse gas—241 lbs of carbon dioxide per MMBtu of useful thermal steam output and 150,848 tons of carbon dioxide equivalents in any 12 month consecutive period.

2. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the operation of the proposed steam and power generator shall at no time result in the emission of the following contaminants at rates exceeding the limits identified in pounds per hour and verified by annual stack testing:

- Arsenic—0.0000446 lb per hour.
- Cadmium—0.0000740 lb per hour.
- Chromium VI—0.0000481 lb per hour.
- Cobalt—0.00175 lb per hour.
- Copper—0.00281 lb per hour.
- Lead—0.00133 lb per hour.
- Manganese—0.000457 lb per hour.
- Nickel—0.000322 lb per hour.

- Zinc—0.0562 lb per hour.
- Benzene—0.00693 lb per hour.
- Chloromethane—0.0207 lb per hour.
- Formaldehyde—0.0314 lb per hour.
- Naphthalene—0.00107 lb per hour.
- Chlorine—0.0185 lb per hour.
- Hydrogen bromide—0.302 lb per hour.

3. Pursuant to the Best Available Technology provisions of 25 Pa. Code §§ 127.1 and 127.12, and additional authority also derived from 40 CFR Part 60 Subpart Db and 40 CFR 52.21, the air contaminant emissions from the proposed steam and power generator when firing only natural gas shall not exceed the following short term emission limitations:

- nitrogen oxides (NO_x, expressed as NO₂)—0.048 lb per MMBtu of heat input.
- carbon monoxide—0.042 lb per MMBtu of heat input.
- volatile organic compounds—0.006 lb per MMBtu of heat input.
- sulfur oxides (SO_x, expressed as SO₂)—0.0015 lb per MMBtu of heat input.
- particulate matter/PM₁₀/PM_{2.5}—0.011 lb per MMBtu of heat input.
- total hazardous air pollutants—0.002 lb per MMBtu of heat input.
- greenhouse gas—149 lb of carbon dioxide per MMBtu of useful thermal steam output, or 117 lb of carbon dioxide equivalents (CO₂e) per MMBtu of heat input during startup and shutdown.

4. The Department will evaluate the actual emission rates and may revise the allowable emission limitations based upon demonstrated performance (CEMS data, stack tests results) during the first two years of operation. Any revision of the allowable emission limitations shall be accomplished by minor modification provided that the revised allowable emission limitations do not exceed levels at which the best available control technology (BACT) and best available technology (BAT) were evaluated, do not exceed the level at which the facility impacts were modeled, and that are not a result of a physical change or change in method of operation at the facility.

5. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the steam and power generator shall not emit visible air contaminants in such a manner that the opacity of the emissions exceeds 10% for any period or periods aggregating more than 3 minutes in any 1 hour, or exceeds 30% at any time.

6. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, only pipeline-quality natural gas and/or tire derived fuel (TDF) shall be combusted in the proposed steam and power generator.

7. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, only natural gas shall be combusted in the steam and power generator during periods of startup and shutdown.

8. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, in the instance of any malfunction of the steam and power generator, the permittee shall cease the feed of TDF to the combustion system until the system is returned to normal operating conditions.

9. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, the exhaust gas temperature, measured at the inlet to the fabric filter, shall not exceed 200°F.

10. Pursuant to the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12, ammonia slip from the Selective Catalytic Reduction shall not exceed 10 parts per million.

11. Within 180 days after commencement of operation of the steam and power generator, a stack test shall be conducted to verify the emission rates for each of the compounds included in the risk assessment.

12. Within 60 days after achieving the normal production rate at which the affected source will be operated, but not later than 180 days after initial start-up of the steam and power generator and its associated control devices, the permittee shall conduct EPA reference method testing on the steam and power generator while firing TDF for total PM, total PM₁₀, total PM_{2.5}, NO_x, SO_x, CO, VOCs, carbon dioxide, mercury, ammonia slip, hydrogen chloride, sulfuric acid mist, and dioxins/furans. Subsequent EPA reference method testing shall be performed on an annual basis. All initial and subsequent stack testing shall be performed at the source's maximum routine operating conditions that will demonstrate compliance with all emissions limitations specified in this plan approval.

13. Within 60 days after achieving the normal production rate at which the affected source will be operated, but not later than 180 days after initial start-up of the steam and power generator and its associated control devices, the permittee shall conduct EPA reference method testing on the steam and power generator while firing natural gas for total PM, total PM₁₀, total PM_{2.5}, NO_x, SO_x, CO, VOCs, formaldehyde, carbon dioxide, and ammonia slip. Subsequent EPA reference method testing shall be performed every five years. All initial and subsequent stack testing shall be performed at the source's maximum routine operating conditions that will demonstrate compliance with all emissions limitations specified in this plan approval.

14. Pursuant to the Compliance Assurance Monitoring requirements of 40 CFR Part 64, Continuous emission monitoring systems for carbon monoxide, nitrogen oxides, and sulfur oxides must be installed, approved by the Department, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139, Subchapter C, and the requirements of the most recent version of the Department's Continuous Source Monitoring Manual. The permittee shall also install and operate a bag leak detection system on the fabric filter, and install pressure drop and flow rate monitors on the caustic scrubber.

15. Proposal[s] containing information as listed in the Phase I section of the Department's Continuous Source Monitoring Manual for the CEMS[s] must be submitted at least 180 days prior to the planned initial startup date for the steam and power generator. Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMS[s] no later than 180 days after the initial startup date and no later than 60 days after the source achieves normal process capacity. The final report of testing as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted to the Bureau no later than 60 days after completion of testing. The permittee shall not be issued an operating permit until the CEMS has received Phase III approval, in writing from the Department.

16. The permittee shall conduct an operational inspection of the steam and power generator on a daily basis, and preventative maintenance inspections on the schedule recommended by the manufacturer.

17. The permittee shall create, and retain for a minimum of 5 years, the following records pertaining to the proposed steam and power generator:

- Records demonstrating compliance, including detailed calculations, with the emissions limitations established for the steam and power generator.

- A log of all preventative maintenance inspections of the steam and power generator and associated control devices. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any repairs, replacements, and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.

- Records of fuel usage for both TDF and natural gas.
- Records of data collected by Continuous Emission Monitoring Systems.

18. The permittee shall submit the monthly emissions of nitrogen oxides, sulfur oxides, carbon monoxide, volatile organic compounds, total PM, total PM₁₀, total PM_{2.5}, greenhouse gas, mercury, sulfuric acid mist, hydrogen chloride, and total hazardous air pollutants from all air-contaminant sources at the facility on a quarterly basis in order to demonstrate compliance with the emission limitations. The quarterly reports shall include records of type and quantity of fuel usage, and instances of co-firing the fuels, and other supporting documentation, as necessary.

19. The permittee shall submit quarterly reports of continuous emission monitoring to the Department in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C, and the reporting requirements established in the most recent version of the Department's Continuous Source Monitoring Manual. The permittee shall report emissions for all periods of unit operation, including startup, shutdown and malfunction. Quarterly CEMS reports shall be submitted to the Department within 30 days after the end of each calendar quarter. Failure to submit required reports of continuous emission monitoring within the specified time periods, shall constitute violations of the permit, unless approved in advance by the Department in writing.

20. The steam and power generator is subject to the requirements of 40 CFR Part 60 Subpart Db—New Source Performance Standards for Industrial-Commercial-Institutional Steam Generating Units. The permittee shall comply with all applicable requirements of Subpart Db.

21. The steam and power generator is subject to the requirements of 40 CFR Part 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The permittee shall comply with all applicable requirements of Subpart JJJJJ.

22. The steam and power generator is subject to the requirements of 40 CFR Part 64—Compliance Assurance Monitoring. The permittee shall comply with all applicable requirements of Part 64.

23. Pursuant to the requirements of 25 Pa. Code §§ 123.13, 127.1, and 127.12, no person may permit the emission into the outdoor atmosphere of particulate mat-

ter from the dry sorbent handling system in a manner that the concentration in the effluent gas exceeds 0.02 grains per dry standard cubic foot or ten pounds in any 12 consecutive month period.

24. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.21, the dry sorbent handling system will comply with the following requirements:

- Dry sorbent delivered to the facility shall be conveyed pneumatically into the storage silo.
- Dry sorbent extracted from the storage silo shall be ground to the appropriate size by an inline grinding mill to minimize emissions of particulate matter.
- The permittee shall control emissions from the dry sorbent storage system with a dry cartridge dust collector at all times the source is in operation.
- The permittee shall inspect the dry sorbent handling system for fugitive emissions as part of the weekly facility inspection.
- The permittee shall maintain and operate the dry sorbent handling system and associated dust collector in accordance with the manufacturer's specifications, the manufacturer's preventative maintenance schedule, and good air pollution control practices.

25. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the cooling tower emissions of PM/PM₁₀/PM_{2.5} shall not exceed 1.04 tons in any 12 consecutive month period. Additionally, the total dissolved solids content of the cooling tower water shall not exceed 1,960 ppm based on a 12-month rolling average.

26. The permittee shall, at a minimum of once per month, sample and analyze the cooling tower water for total dissolved solids at a point which is representative of the water being evaporated to the atmosphere.

27. The permittee shall conduct an operational inspection of the cooling tower on a daily basis, and preventative maintenance inspections on the schedule recommended by the manufacturer.

28. The permittee shall create, and retain for a minimum of 5 years, the following records pertaining to the cooling tower:

- A log recording, at a minimum, once per week, the water circulation and makeup rates, and confirmation that an operational inspection was performed.
- A log of all preventative maintenance inspections of the cooling tower. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.
- Records of the water sample Total Dissolved Solids analysis.

29. The permittee shall maintain and operate the cooling tower in accordance with the manufacturer's specifications, the manufacturer's preventative maintenance schedule, and good air pollution control practices. The permittee shall also maintain a copy of the manufacturer's preventative maintenance schedule on-site.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 60-00022A) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

Additionally, the Department is simultaneously publishing its notice of a public hearing/meeting in the March 30, 2013 edition of the *Pennsylvania Bulletin*. The Department will conduct the public hearing/meeting at 6:30 p.m. on Thursday, May 2, 2013 at the Warrior Run Area Fire Dept. in Allenwood, PA. Please reference the appropriate section of the bulletin for further details regarding the public hearing/meeting for the proposed plan approval.

55-00002C: Commonwealth of Pennsylvania—Department of Public Welfare (Selinsgrove Center, 1000 Route 522, Selinsgrove, PA 17870) for a plan approval to install oxidation catalyst technology on two (2) existing diesel-fired engines at their facility in Penn Township, **Snyder County**. The installation is required to comply with the federal National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, also known as the RICE MACT rule (40 CFR Part 63 Subpart ZZZZ). The facility has elected to restrict nitrogen oxides (expressed as NO₂) emissions from the two diesel-fired engines as well as from all of the existing engine to less than the exemption criteria threshold equal to 100 pounds per hour, 1000 pounds per day, 2.75 tons per ozone season period and 6.6 tons in any 12 consecutive month period in order to be exempt from the best available technology (BAT) provisions of 25 Pa. Code §§ 127.1 and 127.12. As applicable and set forth in 40 CFR Part 63 Subpart ZZZZ, the application is subject to the applicable provisions of 25 Pa. Code § 127.35, and the engines are subject to monitoring, compliance demonstration procedure and testing requirements in the RICE MACT rule as specified in the applicable provisions of 40 CFR 63.6580—63.6675.

The levels of potential to emit, in units of tons per year (tpy), from the engines subject to the RICE MACT rule will be as follows; 0.1 tpy of total (filterable and condensable) particulate matter (PM), 0.1 tpy of total PM with an effective aerodynamic diameter of less than or equal to 10 microns (PM₁₀), 0.1 tpy of total PM_{2.5}, 3.5 tpy of nitrogen oxides (expressed as NO₂), 0.22 tpy of carbon monoxide (CO), 0.11 tpy of volatile organic compounds (VOC) and 171 tpy of greenhouse gas (expressed as CO₂e) emissions. The levels of potential to emit hazardous air pollutant emissions from the engines is equal to 0.00022 tpy and are subject to the maximum achievable control technology (MACT) requirements specified in RICE MACT rule. The Department has determined that the proposed levels of the air contaminants emissions satisfy MACT requirements as well as the Department's BAT requirements. The Department has determined that the project satisfies all applicable requirements from Article III of the Rules and Regulation of the Department of Environmental Protection as well as the monitoring, testing, compliance demonstration requirements from the RICE MACT rule.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. [Additional authority for this permit condition is also derived from the voluntary restriction elected by the permittee to avoid the requirement to demonstrate the RICE processes incorporated in Source IDs P201 and P202 meet best available technology requirements]

The combined cumulative nitrogen oxides (expressed as NO₂) emissions from each RICE process at the facility shall not exceed 100 pounds in any hour, 1000 pounds in any day, 2.75 tons over the ozone season period (May 1 through September 30) and 6.6 tons in any 12 consecutive month period.

2. (a) The permittee shall keep accurate and comprehensive records of the detailed operating history information for each RICE process incorporated into Source IDs P101 and P102 (of TVOP 55-00002) as well as P201 and P202.

(b) The detailed operating history shall include but not be limited to the following in order to verify compliance with the NO_x emission restrictions herein.

(i) The time when each RICE process operates

(ii) The number of RICE processes operated in any given hour

(iii) The number of RICE processes operated in any given day

(iv) The number of hours each RICE process operated during the ozone season

(v) The number of hours each RICE process operated in any 12 consecutive month period

(vi) The supporting documentation and calculations used to verify compliance with the NO_x emissions restrictions herein.

(c) All records generated for this recordkeeping condition shall be kept for a period of five (5) years and shall be made available to the Department upon request.

3. The RICE processes incorporated into Source IDs P201 and P202 shall not emit carbon monoxide (CO) emissions in such a manner that the concentration of CO in the exhaust of each process is in excess of 23 ppmvd at 15% oxygen at any time except during startup.

4. The RICE processes incorporated into Source IDs P201 and P202 shall not emit nitrogen oxides (expressed as NO₂) emissions in such a manner that the rate of NO₂ in the exhaust of each process is in excess of 35 pounds per hour.

5. (a) The permittee shall only use ultra-low sulfur diesel fuel to operate the RICE processes incorporated into Source IDs P201 and P202.

(b) The diesel fuel shall meet the following specifications;

(i) maximum sulfur content of 15 ppm by weight

(ii) minimum cetane index of 40 or maximum aromatic content of 35% by volume.

6. (a) The RICE processes incorporated into Source IDs P201 and P202 shall not operate more than a combined cumulative 200 hours in any 12 consecutive month period.

(b) The RICE processes incorporated into Source IDs P201 and P202 shall not operate more than a combined cumulative 150 hours during the ozone season period, May 1 through September 30, of each calendar year.

7. The permittee shall minimize each RICE process' time spent at idle as well as the process' startup time at start-up to a period needed for appropriate and safe loading, but this period shall not exceed 30 minutes.

8. [Additional authority for this permit condition is also derived from the requirements of 40 CFR 63.6612]

(a) The permittee shall conduct performance tests on each RICE processes incorporated into Source IDs P201 and P202 within 180 days of May 3, 2013 in order to verify compliance with the CO and NO_x emission limitations specified herein.

(b) The performance tests for CO emissions shall be conducted in accordance with the requirements of 40 CFR 63.6620.

(c) All performance tests shall be conducted according to test methods and procedures acceptable to the Department.

9. After completion of the initial performance test as required herein, the permittee shall conduct subsequent performance tests on each RICE processes incorporated into Source IDs P201 and P202 within 3 years from the date of the previous performance test date in order to verify compliance with the CO and NO_x emission limitations specified herein. (a) All subsequent performance tests shall be conducted in accordance with the requirements of 40 CFR 63.6620 and according to test methods and procedures acceptable to the Department.

10. The RICE processes incorporated into Source IDs P201 and P202 shall each be equipped with a functioning, nonresettable run-time hour meter to verify compliance with the hours of operation restriction specified herein.

11. The permittee shall install, operate and maintain a continuous parametric monitoring system (CPMS) on each of the RICE processes incorporated into Source IDs P201 and P202 within 180 days of May 3, 2013, in order to continuously monitor the inlet temperature and differential pressure of each catalyst incorporated into IDs C201 and C202.

(a) Each CPMS shall be installed, operated and maintained according to the manufacturer's written instructions and specifications.

12. The permittee shall conduct ongoing operation and maintenance procedures on each CPMS in accordance with the provisions of 40 CFR 63.8(c)(1)(ii) and (c)(3), including; (1) obtaining and maintaining necessary parts for routine repairs of the CPMS system, and (2) the CPMS shall be operational according to the manufacturer's written instructions for installing, operating and calibrating system prior to the initial performance test.

13. For each CPMS associated with Source IDs P201 and P202, the permittee shall maintain records of the information specified in the provisions of 40 CFR 63.10(c).

14. When performance test reporting is required, the permittee shall report the results of the CPMS performance evaluation simultaneously with the results of the performance test in accordance with the provisions specified in 40 CFR 63.10(e)(2)(i).

15. (a) The permittee shall conduct annual performance evaluations on each CPMS including system accuracy audits, or other audit procedures as specified by the manufacturer.

(b) The CPMS performance evaluations shall be conducted in accordance with the manufacturer's written instructions and specifications.

16. (a) The permittee shall collect and reduce the inlet catalyst temperature data according to the site-specific monitoring plan and the requirements of 40 CFR 63.6625(b).

(i) The permittee shall reduce the inlet temperature data to 4-hour rolling averages when the duration of RICE operation allows for such a reduction.

(ii) If the duration of RICE operation is limited to a period shorter than 4 hours, the permittee shall reduce the inlet catalyst temperature data to 1-minute averages and 1-hour rolling averages, as appropriate.

17. The permittee shall record the differential pressure across the catalysts incorporated into IDs C201 and C202 at least once per month and while the respective RICE process is operating.

18. The permittee shall keep record of a fuel certification report of the percent sulfur by weight of each delivery of ultra-low sulfur diesel for FML200. Or the permittee shall keep records of fuel certification reports obtained yearly from the diesel fuel supplier containing the name of the fuel oil supplier and stating that the sulfur percentage for each shipment of fuel delivered to FML200 during the year shall not exceed 15 ppm by weight.

(a) The fuel certification reports shall be kept for a period of five (5) years and shall be made available to the Department upon request.

19. The permittee shall (1) maintain the catalysts incorporated into IDs C201 and C202 so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the most recent performance test; and (2) maintain the exhaust temperature of the RICE processes incorporated into Source IDs P201 and P202 so that the rolling averages, as outlined herein, of the catalyst inlet temperature data is greater than or equal to 450°F and less than or equal to 1350°F.

20. Using the CPMS, the permittee shall continuously monitor the inlet temperature and differential pressure of the catalysts incorporated into IDs C201 and C202 at all times the respective RICE process is operating except during monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities.

(a) A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

21. The permittee shall not use any data recorded by the CPMS during monitoring malfunctions, associated repairs, and required quality assurance or control activities for data averages and calculations used to report emission or operating levels.

22. The permittee shall notify the Department and EPA in writing of the date of the performance evaluations for each CPMS simultaneously with the notification of the performance test date required herein or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required.

23. [Additional authority for this permit condition is also derived from the provisions of 40 CFR 63.6630(c)]

The permittee shall submit Notification of Compliance Status according to the provisions specified in 40 CFR 63.9(h)(2)(ii).

24. In accordance with the provisions of 40 CFR 63.6650(b)(5), the permittee shall submit the first semi-annual compliance report by September 1 for the compliance period from May 3, 2013 to June 30, 2013.

(a) Subsequent semi-annual compliance reports shall be submitted by March 1 for the compliance period from July 1 to December 31 and by September 1 for the compliance period from January 1 to June 30.

(b) The permittee shall include all of the information specified in 40 CFR 63.6650(c)—(e), as applicable, in each semi-annual compliance report. The semi-annual compliance report required by the RICE MACT rule should be submitted with the semi-annual report required by Title V Operating Permit 55-00002 to satisfy the requirements of 40 CFR 63.6650(f).

25. The permittee shall keep records of all the information prescribed by 40 CFR§ 63.6655(a) and (b).

26. All records required by 40 CFR Part 63 Subpart ZZZZ shall be in a form suitable and readily available for expeditious review according to 40 CFR 63.10(b)(1).

(a) As specified in § 63.10(b)(1), the record shall be kept for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(b) The permittee shall keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR 63.10(b)(1).

27. The permittee shall keep accurate and comprehensive records of the hours that each RICE process incorporated into Source IDs P201 and P202 operates per month via the non-resettable run-time hour meter.

(a) The monthly hours shall be used to calculate 12-month rolling totals as well as total run-time during the ozone season period in order to verify compliance with the hours of operation restriction for each RICE process.

(b) The monthly and 12-month rolling total hours of operation and run-time during the ozone-season shall be kept for a period of five (5) years and shall be made available to the Department upon request.

The plan approval contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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

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

65-00865C: DNP IMS America Corp. (1001 Technology Drive, Mt. Pleasant, PA 15666-1766) to authorize construction and temporary operation of a new coating line and associated equipment at their existing Mount Pleasant facility in East Huntington Township, **Westmoreland County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection intends to issue a Plan Approval (PA-65-00865C) at an existing Title V facility to DNP IMS America Corporation (1001 Technol-

ogy Drive, Mt. Pleasant, PA 15666-1766) to authorize the construction and temporary operation of a new coating line and associated equipment at their existing Mount Pleasant facility located in East Huntington Township, Westmoreland County.

Air contamination sources proposed for this project include a four (4) unit Coating Line; a TRU (toluene recovery unit); a 10,000 gallon toluene storage tank; and two (2) small natural gas fired boilers each rated at 12 MMBtu/hr. Emissions from the proposed coating process, the storage tank, and the TRU will be vented to a new RTO rated at 35,000 scfm to minimize emissions.

Potential to emit from the project on an annual basis is as follows: 18.5 tons of VOC, 10.3 tons of HAP, 6.1 tons of NO_x, 5.6 tons of CO, 0.2 ton of PM, and 0.1 ton of SO_x. Post-project facility-wide VOC will be limited to 49.9 tpy. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of BAT, MACT 40 CFR Part 63 and 25 Pa. Code Chapters 123 and 127.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (specify PA-65-00865C) and concise statements regarding the relevancy of the information in the proposed Plan Approval or objections to issuance of the Plan Approval.

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

PLAN APPROVAL

PUBLIC HEARINGS

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

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

En-Tire Logistics of Milton PA, LLC White Deer Township, Union County

The Department of Environmental Protection will conduct a public meeting at 6:30 p.m. on Thursday, May 2, 2013 at the Warrior Run Area Fire Dept., 196 White Deer Avenue, Allenwood, PA 17810, to discuss the proposed Air Quality plan approval (60-00022A) submitted by En-Tire Logistics of Milton PA, LLC for construction of a tire-derived fuel and/or natural gas-fired two-stage steam and power generator. This facility would produce 7-megawatts of electricity and provide steam to the adjacent NGC Industries, LLC facility in White Deer Township, **Union County**.

Staff from DEP's Air Quality Program will explain the application review process and applicable regulations, and En-Tire Logistics of Milton PA, LLC officials will review the project with the audience. These presentations will be followed by a question and answer session with the local community.

En-Tire Logistics submitted an Air Quality plan approval application to the department on March 19, 2012, for construction of a tire-derived fuel and/or natural gas-fired two-stage steam and power generator at a site located in White Deer Township, Union County. The project consists of a combustion unit rated at 185 MMBtu/hr of heat input, which incorporates kiln and boiler stages in series. The project also includes the construction of a dry sorbent storage and handling system, a cooling tower, and one aqueous ammonia storage tank. Emissions from the combustion unit are proposed to be controlled by a dry scrubber, fabric collector, oxidation catalyst, selective catalytic reduction, and a wet scrubber.

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

Persons unable to attend the public hearing can submit a written statement to the department by the close of business on Monday, May 13, 2013, at 4:00 p.m. 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.

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

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

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

09-00120: BASF Corp. (6450 Bristol Pike, Levittown, PA 19057) for operation of four (4) dust collectors associated with mixing/packing lines, located in Bristol Township, **Bucks County**. The facility is subject to 40 CFR Part 63 Subpart VVVVVV, and the main emitting pollutants are particulate matter, manganese, and acetaldehyde. This action is a renewal and the original State Only Operating Permit (Natural Minor) was issued on April 21, 2003. The proposed Operating Permit sets forth total manganese and acetaldehyde emission limits at 50 and 200 pounds per year, respectively. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00195: Harold Beck and Sons, Inc. (11 Terry Drive, Newtown, PA 18940) for operation of two (2) paint booths and degreasing units at their plant, in Newtown Township, **Bucks County**. This action is a renewal and the original State-only Operating Permit (Natural Minor) was originally issued on May 6, 2008. The facility-wide emissions are limited to 24.9 tons/yr of aggregated HAPs, 9.5 tons/yr of any single HAP, and 24.9 tons/yr of VOCs. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00069: The Trustee of the University of PA—Glenolden (500 S. Ridgeway Ave, Glenolden, PA 19036-2307) for a renewal Non-Title V Facility, State-Only, Natural Minor Permit in Glenolden Borough, **Delaware County**. The Trustee of the University of PA/Glenolden is a commercial physical research facility. The sources of emissions include boilers and a generator. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

05-03010: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) for a limestone crushing plant and associated equipment at their Ashcom Quarry in Snake Spring Township, **Bedford County**.

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

The subject facility has actual emissions of 12.5 tons per year of particulate matter and 4.8 tons per year of PM-10. 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 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

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

Gary A. Helsel, PE, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air

Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

67-03004: The Maple Press Co. (480 Willow Springs Lane, York, PA 17405) for their book printing plant in Manchester Township, **York County**.

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

The subject facility employs sheet-fed and web offset lithographic printing presses to produce paperback and hardcover books. Potential volatile organic compound (VOC) emissions from printing activities are estimated at around 32 tons per year. Actual VOC emissions are well below the estimated potential (2.98 tons in 2011 and 4.52 tons in 2010). The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

06-03009: Bally Block Company (30 South Seventh Street, Bally, PA 19503) for the wood manufacturing operations in the Borough of Bally, **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 12 tpy of PM, 14 tpy of NO_x, 1 tpy of SO₂, 17 tpy of CO, 6 tpy of VOC and 4 tpy of HAPs. 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. The wood burning boiler is subject to 40 CFR 63 Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources).

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

available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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.

06-03080: F. M. Brown's Sons, Inc. (118 West Main Street, P. O. Box 153, Fleetwood, PA 19522) for their flour mill in the Borough of Fleetwood, **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 5 tpy of PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

Mr. Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at 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

55-00012: Wood-Mode, Inc. (1 2nd St, PO Box 250, Kreamer, PA 17833) for a renewal state only synthetic minor operating permit for their Wood-Metal Industries facility in Selinsgrove Borough, **Snyder County**. The

facility is currently operating under State Only Operating Permit 55-00012. The facility's main sources include woodworking sources, surface coating of products, and natural gas/#2 fuel oil-fired combustion units. The facility has potential emissions of 2.7 tons per year of carbon monoxide, 4.5 tons per year of nitrogen oxides, 3.8 tons per year of sulfur oxides, 16.9 tons per year of particulate matter, 49.9 tons per year of volatile organic compounds, 24.9 tons per year of total HAPs, and 5229 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

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

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 55-00012) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

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

49-00029: Clarks Feed Mill, Inc. (Route 61 North, PO Box W, Shamokin, PA 17872) for their animal feed mill in Shamokin Township, **Northumberland County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received a renewal application and intends to issue a renewal Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 14.66 TPY of NO_x; 1.33 TPY of CO; 0.14 TPY of VOC; 50.00 TPY of PM₁₀ and 20.93 TPY of SO_x. The facility's main air contamination sources are a natural gas/No. 2 fuel oil fired boiler, railcar and truck receiving stations and pellet mills. The operating permit will include emission limits and work practice standards along with monitoring, record keeping and

reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 49-00029) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

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

14-00030: Wetzler Funeral Service (206 North Spring Street, Bellefonte, PA 16823) to issue a renewal state only operating permit for their facility located in Bellefonte Borough, **Centre County**. The facility is currently operating under State Only Operating Permit 14-00030. The facility's only source is a Crematory Incinerator. The facility has potential emissions of 1.4 tons per year of carbon monoxide, 1.6 tons per year of nitrogen oxides, 0.5 ton per year of sulfur oxides, 1.1 tons per year of particulate matter, 0.1 ton per year of volatile organic compounds, 7.5 tons per year of total HAPs, and 1037 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

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

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environ-

mental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 14-00030) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

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

17-00062: Dubois Regional Medical Center, Inc. (100 Hospital Ave, Dubois, PA 15801) for renewal of the State Only (Synthetic Minor) Operating Permits for their facility in the City of Dubois, **Clearfield County**. The facility is currently operating under Synthetic Minor Operating Permit 17-00062. The facility's main sources include four dual-fuel-fired (natural gas and #2 fuel oil) boilers, multiple natural-gas-fired combustion units, two natural-gas-fired boilers, multiple natural-gas-fired combustion sources, one natural-gas-fired emergency generator, six #2-fuel-oil-fired emergency generators, and three ethylene oxide sterilizers. The facility's potential emissions are 19.54 tons per year of carbon monoxide, 35.23 tons per year of nitrogen oxides, 25.34 tons per year of sulfur oxides, 2.51 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 2.11 tons of particulate matter with an aerodynamic diameter of less than 2.5 microns, 7.22 tons per year of volatile organic compounds, 0.48 ton per year of total hazardous air pollutants (HAPs), and 28,728 tons per year of carbon dioxide equivalents (greenhouse gases). Two water heaters were replaced with electric units (Source ID 032), one natural-gas-fired boiler was replaced with a natural-gas-fired boiler (Source ID 032), one natural-gas-fired furnace was replaced with a natural-gas-fired furnace (Source ID 032), one emergency generator was removed (Source ID P101), and three small natural-gas-fired combustion units (<2.5 MMBtu/hr) have been constructed and incorporated into Source ID 032. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63, and 25 Pa. Code Chapters 121—145.

The renewal State Only (Synthetic Minor) operating permit contains applicable MACT requirements to the sources at the facility. The proposed State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 17-00062) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

26-00594: CalFrac Well Services, Corp.—CalFrac Plant (2001 Summit View Drive, Smithfield, PA 15478) for operation of a cement and fly ash storage facility for the oil and gas industry in Georges Township, **Fayette 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 four storage silos and two blend tanks control by a dust collector used to store materials used for oil and gas well isolation. The facility has the potential to emit less than 1.0 tpy PM / PM₁₀. 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. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. 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 name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00594) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

Contact: Matthew M. Williams—Telephone: 814-332-6131

25-00890: Donald C. Burton Funeral Home (602 West 10th Street, Erie, PA 16502-1223) for renewal of a State Only operating permit for their crematory in the City of Erie, **Erie County**. The facility is a Natural Minor. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. The potential emissions from the facility are as follows: less than 1 tpy PM; 1.1 tpy NO_x; less than 1 tpy CO; less than 1 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00061: Dresser Inc. Piping Solutions (41 Fisher Avenue, Bradford, PA 16701-1649) for renewal of the State Only Operating Permit for their valve and piping fittings manufacturing facility in Bradford Township, **McKean County**. The facility is a Natural Minor. The primary sources at the facility are miscellaneous natural gas combustion units, a burn-off oven, Binks spray booths, plastisol dip, a dip coating tank, miscellaneous natural gas furnaces and ovens, a carbottom furnace, shotblast unit, parts washers, natural gas emergency generators, dry abrasive blasting, machining, dry grinding, dry polishing, welding and a retractable spray booth. The facility is subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). The facility is also subject to 40 CFR 63 Subpart XXXXXX—NESHAPs Area Source Standards for Nine Metal Fabrication and Finishing Source Categories. The potential emissions from the facility are: 31 TPY NO_x; 25 TPY CO; 0.16 TPY SO₂; 7.4 TPY PM-10; 48 TPY VOC; 5.9 TPY glycol ether (HAP), and 13 TPY from all combined HAPs. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00329: White Rock Silica Sand Co. (331 Methodist Road, Greenville, PA 16125-9741) for renewal of a State Only operating permit for their stone and sand processing facility in Hempfield Township, **Mercer County**. The significant sources are stone crushing and sizing; vehicle travel and loading; a diesel fueled generator equipped with an oxidation catalyst; and a parts washer. The facility is a Natural Minor. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. This facility is subject to the following federal regulation for which the applicable requirements are included in the permit renewal: 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The potential emissions from the facility are as follows: 20.9 tpy PM; 19.6 tpy NO_x; less than 1 tpy CO; less than

1 tpy VOC; and less than 1 tpy total hydrocarbons. The renewal permit contains emission restrictions, record-keeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

N13-005: WuXi AppTec, Inc. (4751 League Island Blvd, Philadelphia, PA 19112) for operation of a biopharmaceutical facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include fourteen (14) McQuay air handling units firing natural gas less than 1.5 MMBTU/hr, one 1000 Kw emergency generator, and small bench-scale equipment, fume hoods, and bio-safety cabinets.

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

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

OPERATING PERMITS

PUBLIC HEARINGS

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

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

63-00968A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) for installation and initial temporary operations of eight new rich burn natural gas-fired compressor engines and the increased capacity of a currently authorized dehydrator at the MarkWest Liberty Midstream and Resources, LLC Smith Compressor Station in Smith Township, **Washington County**.

In accordance with 25 Pa. Code § 127.48, the Department of Environmental Protection (DEP) will hold a public hearing on Wednesday May 1, 2013, from 7:30 to 8:30 p.m. at the Smith Township Municipal Building, 1848 Smith Township State Road, Slovan, PA 15078.

There will be an open house immediately preceding the public hearing at 6:30 p.m.

The hearing is to take testimony concerning the Department's intent to issue an Air Quality Plan Approval to allow the installation and initial temporary operations of eight new rich burn natural gas-fired compressor engines and the increased capacity of a currently authorized dehydrator at the MarkWest Liberty Midstream and Resources, LLC Smith Compressor Station located in Smith Township, Washington County. The Department published a separate notice of intent to issue this plan

approval in the *Pennsylvania Bulletin* to allow for public comment regarding this proposal.

Potential to emit from the facility (including previously authorized sources) is estimated to be 50.1 tons of nitrogen oxides, 56.9 tons of carbon monoxide, 43.6 tons of volatile organic compounds, 5.5 tons of particulate matter, 6.74 tons of total hazardous air pollutants, 1.9 tons of formaldehyde, 0.51 ton of benzene, and 91,607 tons of carbon dioxide equivalents per year. Best available technology for the proposed sources is combusting natural gas, rich burn combustion for each engine controlled by three-way catalysts, good combustion practices including the use of air to fuel ratio controllers and proper maintenance and operation.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, John Poister, at (412)-442-4203 before 3:00 p.m., May 1 2013, to register.

Persons unable to attend the public hearing may submit three copies of a written statement to the Department within 10 days after the hearing is held (by May 11, 2013). Statements should be sent to Alan Binder, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Those wishing additional information may also contact: Mark Gorog, Environmental Engineer Manager—Telephone 412-442-4150.

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.

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

17921603 and NPDES No. PA0214612. Greenwood Processing & Loading Complex, LLC, (1340 Hoyt Road, Curwensville, PA 16833). To transfer the permit and related NPDES permit for the Bell Landing Tipple in Greenwood Township, **Clearfield County** from Hepburnia Coal Company. No additional discharges. The application was considered administratively complete on March 13, 2013. Application received January 14, 2013.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 4275SM20A and NPDES Permit No. PA0125334. U. S. Silica Company, 8490 Stagecoach Cir., Ste. 300, Frederick MD 21701, renewal of NPDES Permit, Brady Township, **Huntingdon County**. Receiving stream(s): Saddler Creek, Flush Run, Juniata River, unnamed trib to Shaughnessy Run classified for the following use(s): warm water fishery, high quality cold water fishery (Shaughnessy Run). There are no potable

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

56920114 and NPDES No. PA0212334. Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving stream(s): unnamed tributaries to North Branch of Jennings Run, Jennings Run and unnamed tributaries to Jennings Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 26, 2013.

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

33080105. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface mine to change acreage to add 12.0 acres in Perry and Young Townships, **Jefferson County** for 447.4 acres. Receiving streams: Five unnamed tributaries to Mahoning Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: February 28, 2013.

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

17070114 and NPDES PA0256480. AMFIRE Mining Company LLC (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County** affecting 119.4 acres. Receiving streams: Bald Hill Run and Unnamed Tributaries to Bald Hill Run classified as Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received March 15, 2013.

water supply intakes within 10 miles downstream. Application received March 6, 2013.

Permit No. 40A76SM9 and NPDES Permit No. PA0212491, Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving stream(s): Glade Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 22, 2013.

Permit No. 4273SM2 and NPDES Permit No. PA0212547, Mellott Company, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES Permit, Bethel Township, **Fulton County**. Receiving stream(s): Tonoloway Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 27, 2013.

Permit No. 01930301 and NPDES Permit No. PA0595591, Valley Quarries, Inc., P. O. Box 2009, Chambersburg, PA 17201, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving stream(s): Middle Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 4, 2013.

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

37940304. Diversified Environmental Reclamation, LLC (P. O. Box 233, West Middlesex, PA 16159) Transfer of an existing large industrial minerals mine from Lafarge North America, Inc. in Pulaski Township, **Lawrence County** affecting 44.1 acres. This request also includes a revision to add 9.1 acres to the surface mining permit. Receiving streams: Shenango River, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company. Application received: March 1, 2013.

26137-37940304-E-1. Diversified Environmental Reclamation, LLC (P. O. Box 233, West Middlesex, PA 16159) Application for a stream encroachment to conduct mining activities within 100 feet of the Shenango River in Pulaski Township, **Lawrence County**. Receiving streams: Shenango River, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is the Pennsylvania American Water Company. Application received: March 1, 2013.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

* The parameter is applicable at all times.

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0239 (Mining Permit No. 56061301), RoxCOAL, Inc., (PO Box 149, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for the Kimberly Run Mine in Somerset Township, **Somerset County**. This notice is a correction to the NPDES draft permit published in the *Pennsylvania Bulletin* on March 23, 2013. Surface Acres Affected 66.9, Underground Acres Affected 2318.5. Receiving stream: Kimberly Run, classified for the following use: CWF. Coxes Creek Watershed TMDL. The application was considered administratively complete on January 24, 2013. Application received August 29, 2012.

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

Outfall 001 discharges to: Kimberly Run

The proposed effluent limits for *Outfall 001* (Lat: 39° 59' 46" Long: 78° 59' 49") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	0.09	-
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
Suspended Solids	(mg/l)	35	70	90
Settleable Solids	(ml/l)	0.2	0.4	0.5

Outfall 002 discharges to: Kimberly Run

The proposed effluent limits for *Outfall 002* (Lat: 39° 59' 41" Long: 79° 0' 10") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.07	-
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
Suspended Solids (mg/l)		35	70	90
Settleable Solids (ml/l)		0.2	0.4	0.5

Outfall 003 discharges to: Kimberly Run

The proposed effluent limits for *Outfall 003* (Lat: 39° 59' 49" Long: 78° 59' 49") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.43	-
Iron (mg/l)		1.61	3.22	4.03
Manganese (mg/l)		1.07	2.14	2.68
Aluminum (mg/l)		0.52	1.04	1.3
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)				REPORT
Osmotic Pressure (mos/kg)		50	100	125
Total Dissolved Solids (mg/l)				REPORT

NPDES No. PA0235717 (Mining Permit No. 11040701), AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). A renewal to the NPDES and mining activity permit for the Refuse Area No. 1 in Portage Township, **Cambria County**. Surface Acres Affected 88.1. Receiving stream: Unnamed Tributary to Spring Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on February 12, 2013. Application received September 14, 2012.

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

Outfall 001 discharges to: Unnamed Tributary to Spring Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 23' 19.4" Long: 78° 39' 00.8") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.08	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.4	0.75	0.9
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	100	125
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

NPDES No. PA0236098 (Mining Permit No. 56111601), LCT Energy, LP, (941 Pine Grove Lane, Suite B, Johnston, PA 15905). A new NPDES and mining activity permit for the Laurel Plant in Shade Township, **Somerset County** for a new coal preparation plant. Surface Acres Affected 138.8. Receiving stream: Unnamed Tributary to Little Dark Shade Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on November 2, 2011. Application received April 18, 2011.

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

Outfall 001 discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 05' 14" Long: 78° 50' 12") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.03	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settleable Solids (ml/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90

Outfall 002 discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 05' 19" Long: 78° 49' 57") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.04	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settleable Solids (ml/l)		0.3	0.5	0.8
Total Suspended Solids (mg/l)		35	70	90

Outfall 003 discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 05' 23" Long: 78° 49' 50") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.05	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settleable Solids (ml/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90

Outfall 004 discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 004* (Lat: 40° 05' 24" Long: 78° 49' 45") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.02	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settleable Solids (ml/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90

Outfall 005 discharges to: Unnamed Tributary to Little Dark Shade Creek

The proposed effluent limits for *Outfall 005* (Lat: 40° 05' 36" Long: 78° 49' 55") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.01	-
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.38	0.75	0.94
Settleable Solids (ml/l)		0.3	0.5	0.6
Total Suspended Solids (mg/l)		35	70	90

NPDES No. PA0236101 (Mining Permit No. 56111302), Wilson Creek Energy, LLC, (140 West Union Street, Somerset, PA 15501). A new NPDES and mining activity permit for the Acosta Deep Mine in Jenner, Lincoln, Quemahoning, and Somerset Townships, **Somerset County** for a new underground coal mine. Surface Acres Affected 49.8, Underground Acres Affected 3776.9. Receiving stream: Unnamed Tributary to Quemahoning Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL. The application was considered administratively complete on November 10, 2011. Application received May 11, 2011.

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

Outfall 001 discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 06' 19" Long: 79° 03' 05") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	1.8	-
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	70	90
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT

Outfall 002 discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 06' 18" Long: 79° 02' 58") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	1.8	-
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	70	90
Sulfates	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT

Outfall 003 discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 06' 13" Long: 79° 03' 07") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	1.7	-
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	1.0	2.0	2.5
Aluminum	(mg/l)	0.38	0.75	0.94
Total Suspended Solids	(mg/l)	35	70	90
Sulfates	(mg/l)	-	-	REPORT
Osmotic Pressure	(mos/kg)	50	100	125
Total Dissolved Solids	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT

Outfall 004 discharges to: Unnamed Tributary to Quemahoning Creek

The proposed effluent limits for *Outfall 004* (Lat: 40° 06' 13" Long: 79° 02' 49") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	0.7	-
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	70	90
Sulfates	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT

NPDES No. PA0215724 (Mining Permit No. 30753712), Emerald Coal Resources, LP, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370). A renewal to the NPDES and mining activity permit for the Emerald Mine No. 1 Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County**. Surface Acres Affected 154.3. Receiving stream: Unnamed Tributary to Smith Creek, classified for the following use: WWF. Monongahela River. The application was considered administratively complete on May 17, 2011. Application received June 11, 2010.

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

Outfall 001 discharges to: Unnamed Tributary to Smith Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 53' 04" Long: 80° 11' 47") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	0.79	-
Iron	(mg/l)	1.54	3.08	3.85
Manganese	(mg/l)	1.03	2.06	2.57
Aluminum	(mg/l)	0.77	1.54	1.92
Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	39	78	98
Sulfates	(mg/l)	250	250	250
Chlorides	(mg/l)	180	359	449
Total Dissolved Solids	(mg/l)	384	767	959
Selenium	(mg/l)	-	-	REPORT

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

NPDES No. PA0224987 on Surface Mining Permit No. 49080104. D. Molesevich & Sons Construction Co., Inc. (333 South Pine Street, Mt. Carmel, PA 17851), new NPDES Permit for an anthracite surface mine operation in Mt. Carmel Township, **Northumberland County**, affecting 423.0 acres. Receiving streams: Quaker Run, Coal Run and South Branch Roaring Creek Watersheds (no discharge), classified for the following use: cold water fishes except South Branch Roaring Creek, High Quality [within the Shamokin Creek TMDL—metals]. Application received: March 30, 2011.

Non-discharge BMP's are in effect for all areas affected by this operation.

Noncoal NPDES Draft Permits

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

NPDES No. PA 0269565 (Mining Permit No. 08120305), Bishop Brothers Construction, Inc., P. O. Box 289, Ulster, PA 18850, new NPDES permit for noncoal surface mining of sand & gravel in Wysox Township, **Bradford County**, affecting 20 acres. Receiving stream(s): Susquehanna River, classified for the following use(s): Warm Water Fishes. Application received: August 1, 2012.

The outfall(s) listed below discharge to Susquehanna River: N/A

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

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: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E64-296. The Hideout Property Owners Association, 640 The Hideout, Lake Ariel, PA 18436, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To place and maintain fill in a de minimus area of PEM equal to 0.04 acre which is associated with the re-grading of Hole #9 of the Hideout Property Owners Association private golf course. The project is located to the east of South Fairway Drive, Lake Ariel, Wayne County (Lakeville, PA Quadrangle, Latitude: 41°27'29.3"; Longitude: -75°19'54.6").

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

E22-587: Union Deposit Corporation, 750 East Park Drive, Harrisburg, Pennsylvania 17111, in Lower Paxton and Susquehanna Townships, **Dauphin County**, ACOE Baltimore District

To: 1) relocate and maintain 1,142.0 linear feet of an unnamed tributary to Paxton Creek (WWF, MF); 2) relocate and maintain 563.0 linear feet of enclosed stream channel; and 3) place and maintain fill in 0.46 acre of Palustrine Emergent wetland, all for the purpose of constructing a proposed retail store. The project is located near the intersection of Caughey Drive and Valley Road (Latitude: 40°18'17.6", Longitude: -76°50'16.5") in Lower Paxton and Susquehanna Townships, Dauphin County. To compensate for the wetlands impacts, the applicant proposes to create 0.57 acre of wetland onsite.

E22-592: Susquehanna Township, 1900 Linglestown Road, Harrisburg, Pennsylvania 17110, in Susquehanna Township, **Dauphin County**, ACOE Baltimore District

To: 1) remove 33.0 feet of existing structure, and 2) install and maintain a 316.0-foot long, 60.0-inch reinforced concrete pipe with concrete type-DW headwalls in an unnamed tributary to the Susquehanna River (WWF, MF), for the purposes of increasing the hydraulic capacity of the stream conveyance system and reducing the recurrence of flooding in the project area. The project is located near 800 Roberts Valley Road (Latitude: 40°20'14", Longitude: -76°54'03") in Susquehanna Township, Dauphin County. No wetlands will be impacted by this project.

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

E20-588, Meadville Area Water Authority, 18160 Rogers Ferry Road, Meadville, PA 16335. Construction of Clear Well and Chemical Building in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 41°, 39', 2"; W: 80°, 10', 34").

The project consists of construction of a new wet well and chemical building to replace the existing structures,

which will be torn down. These structures are not located within the floodplain. Post-construction storm water management best management practices measures include construction of 3 subsurface infiltration beds which are located in the floodplain.

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

E4129-071: Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, Cummings Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

(1) Two 24-inch gas lines, two 6-inch water lines, a 4-inch conduit, and a timber mat bridge impacting 955 square feet of a palustrine emergent (PEM) wetland adjacent to Okome Road (Cammal, PA Quadrangle 41°22' 53"N 77°23'04"W).

The project will result in 0.2 acre of temporary wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development.

E5929-040: SWEPI LP., 190 Thorn Hill Road, Warrendale, PA 15086, Charlestown Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a permanent access road, a permanent wetland fill, removal of unauthorized fill, and wetland enhancement activities impacting 4.56 acres of an exceptional value palustrine emergent (EV-PEM) wetland (Crooked Creek, PA Quadrangle 41°47' 14"N 77°11'06"W) from the Avery Well Pad purchased by SWEPI LP.

This application is in response to a Notice of Violation from well pad and site access construction that resulted in 1.19 acres of permanent wetland impacts. The resulting on site mitigation project will cause 3.37 acres of temporary wetland impacts to restore and enhance impacted wetlands in Delmar Township, Tioga County.

E4129-052: PVR NEPA Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Shrewsbury Township, **Lycoming County**, ACOE Baltimore District. To construct, operate, and maintain:

(1) one 8 inch natural gas pipeline and a timber mat bridge impacting 10,623 square feet palustrine emergent (PEM) wetland (Picture Rocks, PA Quadrangle 41°20' 01"N 76°41'04"W);

(2) one 8 inch natural gas pipeline and a timber mat bridge impacting 2,193 square feet of palustrine emergent (PEM) wetland (Picture Rocks, PA Quadrangle 41°20' 03"N 76°40'56"W);

(3) one 8 inch natural gas pipeline and a timber mat bridge impacting 5,746 square feet of palustrine emergent (PEM) wetland (Picture Rocks, PA Quadrangle 41°20' 02"N 76°40'54"W).

The project will result in 0.43 acre of wetland impacts all for the purpose of installing a natural gas gathering

line with associated access roadways for Marcellus well development. These are additional impacts to be included along with pipeline impacts previously published in the September 15, 2012, *Pennsylvania Bulletin*.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.

E41109-004. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Chest Township, **Cambria County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 3,800 linear feet of dangerous highwall. The project will include the backfilling of a 0.011 acre open waterbody and 0.065 acre of PEM wetlands that have developed within the open surface mine pit. (Coalport Quadrangle N: 10.75 inch, W: 13.5 inches).

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D51-023EA. City of Philadelphia, Ms. Kathryn Guest, Philadelphia Water Department, 1101 Market Street, 4th Floor, Philadelphia, PA 19107, **Philadelphia County**, USACOE Philadelphia District.

Project proposes to rehabilitate Pier 264 North and the Dividing Dike at the Baxter Raw Water Basin located adjacent to the Delaware River (WWF) approximately 2,000 feet southeast of the intersection of State Road and Pennypack Street (Beverly, NJ Quadrangle; Latitude: 40.03667, Longitude: -74.99611).

D02-108EA. Township of Pine, 230 Pearce Mill Road, Wexford, PA 15090, Pine Township, **Allegheny County**, USACOE Pittsburgh District.

Project proposes to perform maintenance dredging and modify the Shalom Farm Pond Dam impacting a deminimus area of wetland (PEM) equal to 0.02 acre. The dam is located across a tributary to North Fork Pine Creek (CWF) (Mars, PA Quadrangle; Latitude: 40.6598, Longitude: -80.0384).

D04-004EA and D04-007EA. Thomas Vannoy, President, **Koppel Borough Council**, 3437 Third Street, Koppel, PA 16136, Big Beaver Borough, **Beaver County**, USACOE Pittsburgh District.

Project proposes to breach the Koppel Reservoir Dams for the purpose of eliminating a liability to the Borough and restoring the stream to a free flowing condition. The dams are located across Stockman Run (WWF) (Beaver Falls, PA Quadrangle; D04-004—Latitude: 40.8382; Longitude: -80.3471; D04-007—Latitude: 40.8376; Longitude: -80.3476).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application.

Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
13001	Keystone Fence Supplies P. O. Box 249 Schaefferstown, PA 17088 Attn: Leroy Zimmerman	Lebanon	Heidelberg Township	1 additional AST storing Chromated Copper Arsenate	15,222 gallons

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063631 (Sewage)	Parkland High School STP Cedar Crest Boulevard & Ritter Road Allentown, PA 18104	Lehigh County South Whitehall Township	Jordan Creek (2-C)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0053261 (Industrial)	Praxair, Inc. 90 Commerce Way Stockertown, PA 18083	Northampton County Stockertown Borough	Bushkill Creek (01F)	Y
PAS122202 (Storm Water)	Nestle Waters Na Bottling Plant 405 Nestle Way Breinigsville, PA 18031	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y
PAS122203 (Storm Water)	Nestle Waters North American 305 Nestle Way Breinigsville, PA 18031	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y
PA0070289 (Sewage)	Schuylkill County Municipal Authority Pinebrook WWTP Pinedale Industrial Road Orwigsburg, PA 17963	Schuylkill County West Brunswick Township	Pine Creek (3-A)	Y
PA0065404 Single Family Residence Small Flow System	Fred Stair 2059 Bushkill Center Road Moore Township, PA 18042	Moore Township, Northampton County	Bushkill Creek High Quality—Cold Water Fishes 1F	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247146 (CAFO)	Wanners Pride-N-Joy Farm, LLC Wanners Pride N Joy Farm 5800 Wanner Road Narvon, PA 17555-9646	Lancaster County Salisbury Township	White Horse Run / 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0222909 (Sewage)	Kinzua Warren County WWTP Route 59 Warren, PA 16365	Warren County Mead Township	Allegheny River (16-B)	Y
PA0100943 (Sewage)	Strattanville Borough STP P. O. Box 139 Strattanville, PA 16528-0139	Clarion County Strattanville Borough	Unnamed Tributary to Brush Run (17-B)	Y
PA0102628 (Sewage)	Henderson Township STP P. O. Box 56 Stump Creek, PA 15863	Jefferson County Henderson Township	Stump Creek (17-D)	Y
PA0025607 (Sewage)	Barkeyville Sewerage WWTP Stevenson Road Barkeyville, PA 16127	Venango County Barkeyville Borough	Unnamed Tributary to North Branch Slippery Rock Creek (20-C)	Y
PA0221996 (sewerage)	North Brook Subdivision 103 McDonnell Lane Butler, PA 16001	Butler County Middlesex Township	Unnamed Tributary to Glade Run (20-C)	Y
PA0034061 (Sewage)	Goddard Park Vacationland Campground 867 Georgetown Road, Sandy Lake, PA 16145-2525	Mercer County Deer Creek Township	Unnamed Tributary to the Schofield Run (16-G)	Y

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

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

NPDES Permit No. PA0243914, Storm Water, **Delaware Valley Concrete Company, Inc.**, 248 E. County Line Road, Hatboro, PA 19040

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Stormwater from a facility known as Delaware Valley Concrete—Conshohocken Batch Plant to Schuylkill River in Watershed 3F—Lower Schuylkill.

NPDES Permit No. PA0057690, Storm Water, **Aker Philadelphia Shipyard**, 2100 Kitty Hawk Avenue, Philadelphia, PA 19112-1808

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Stormwater from a facility known as Aker Philadelphia Shipyard to Schuylkill River and Delaware River in Watershed(s) 3J and 3F.

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

NPDES Permit No. PA0103659, Industrial Waste, **Reno Holdings, Inc.**, 231 Gilmore Drive, Seneca, PA 16346.

This existing facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed Action/Activity: Cancellation of permit.

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

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

WQM Permit No. 0906408, Sewage, **Transfer, Syed Afzal**, 180 Lonely Road, Sellersville, PA 18960.

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

Description of Action/Activity: Permit transfer of owners from Villa Building Company to Syed Afzal.

WQM Permit No. 1501408, Sewage, **Renewal, Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348.

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

Description of Action/Activity: Renewal for continued operation of a wastewater treatment plant.

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

WQM Permit No. WQG012227, SIC Code 4952, **Stair Fred C**, 3536 Jacksonville Road, Bethlehem, PA 18017-9301.

This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Action/Activity: installation of a single family residence sewage treatment system to replace a malfunctioning on-lot system.

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

WQM Permit No. WQG026140, Sewerage, **McCandless Twp Sani Auth.**, 418 Arcadia Dr., PGH, PA 15237

This proposed facility is located in McCandless Twp., **Allegheny Cnty.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer system.

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

WQM Permit No. 2087401, Sewage, **Amendment No. 1, City of Titusville**, 107 N. Franklin Street, Titusville, PA 16354.

This existing facility is located in City of Titusville, **Crawford County**.

Description of Proposed Action/Activity: Amendment to upgrade treatment facilities by replacing the current aeration system with an ICEAS process in the existing four aeration tanks, constructing a fifth SBR tank, updating the sludge dewatering system, improving the headworks facility and making general repairs to the treatment plant.

WQM Permit No. 2594405, Sewage, **Transfer No. 1, Matthew E. & Stacie A. Gruwell**, 4015 Hannon Road, Erie, PA 16510.

This existing facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant.

WQM Permit No. 2489202, Industrial Waste, **Amendment No. 8, Advanced Disposal Service Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846-1033.

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

This permit amendment approves the modification of industrial waste facilities consisting of:

A name change from Veolia ES Greentree Landfill, LLC to Advanced Disposal Service Greentree Landfill, LLC.

The Leachate Equalization Impoundment (LEI) will be converted from wastewater storage to wastewater treatment to provide thermal and chemical conditioning of CWT wastewaters. The high-strength gas well leachate will flow to the LEI after pretreatment for conditioning prior to flowing to the SBRs for biological treatment.

The MemClean unit will be added following the solids contact clarifier and reaction tanks that were permitted under amendment #7 and combined they will be used as a two-step post-biological metals removal train.

Approval is granted for the installation of two new positive-displacement blowers to Tanks 1-1T and 1-2T, and a permanent chiller to cool the SBR wastewater. Also approved is the addition of Sodium Hypochlorite solution for disinfection in the MemClean unit, and Sodium bisulfate (40%) solution for dechlorination at the outflow from Tank 1-2T. The scale inhibitor, NS SF 450, produced by Neo Solutions, Inc. has been approved for use with this amendment for use in the effluent polishing drum filter.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Marlborough Township Montgomery County	PAI130513	Marlborough Township Montgomery County 6040 Upper Ridge Road Green Lane, PA 18054-9802	Unnamed Tributary to Macoby Creek and Unnamed Tributary to Unami Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Springfield Township Bucks County	PAI130001	Springfield Township Bucks County 2320 Township Road Quakertown, PA 18951	Unami Creek, Unnamed Tributary to Cooks Creek and Unnamed Tributary to Tohickon Creek—2-D and 3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Middletown Township Delaware County	PAI130510	Middletown Township Delaware County 27 N Pennell Road PO Box 157 Lima, PA 19037	Chrome Run, Crum Run, Dismal Run, Ridley Creek, Rocky Run, Spring Run, Unnamed Tributary to Chester Creek and Unnamed Tributary to Chrome Run—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

V. NPDES Waiver Stormwater Discharges from MS4 Actions**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 151225	Liberty Property Limited Partnership 500 Chesterfield Parkway Malvern, PA 19355	Chester	Tredyffrin Township	Valley Creek EV-MF
PAI01 157005-R	Pond Works by Buchholtz Associates, Inc. 2263 Romig Road Pottstown, PA 19464	Chester	Wallace Township	East Branch Brandywine Creek HQ-TSF-MF
PAI01 151242	Camphill Soltane 224 Nantmeal Road Glenmoore, PA 19343	Chester	East Nantmeal Township	Beaver Run HQ
PAI01 151031-R	Anthony V. Ziccardi 555 East Lancaster Avenue Radnor, PA 19087	Chester	East Whiteland Township	Little Valley Creek EV
PAI01 151241	220 Chestnut Associates, LP 55 Country Club Drive, Suite 200 Downingtown, PA 19335	Chester	West Chester Borough	Chester Creek TSF
PAI01 151237	Armstrong Engineering Associates, Inc. P. O. Box 633 West Chester, PA 19381	Chester	West Bradford Township	Broad Run EV-MF
PAI01 151231	Bentley Systems, Inc.	Chester	Upper Uwchlan Township	Marsh Creek & Shamona Creek Christiana River Basin HQ-TSF
PAI01 151232	Mr. Sebastian P. Napoli 705 Antietam Drive Douglassville, PA 19508-8757	Chester	East Vincent Township	French Creek EV

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151235	Lighthouse Youth Center P. O. Box 38 Oxford, PA 19363	Chester	Oxford Borough	Little Elk Creek HQ-TSF-MF
PAI01 151228	Mr. Paul S. Lapp 961 West Kings Highway Coatesville, PA 19320-0197	Chester	West Caln Township	Birch Run HQ-TSF-MF
PAI01 151236	Hearne Hardwoods, Inc. 200 Whiteside Drive Oxford, PA 19363	Chester	Lower Oxford Township	Unnamed Tributary to West Branch Big Elk Creek HQ-TSF-MF
PAI01 2312007	Mar-J Properties, Inc. 114 Yearsley Mill Road Media, PA 19063	Delaware	Middletown Township	Rocky Run HQ-CWF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025411003	Port Clinton Borough P. O. Box 246 Port Clinton, PA 19549	Schuylkill	Borough of Port Clinton, Schuylkill County; West Brunswick Twp., Schuylkill County; Windsor Twp., Berks County; Borough of Hamburg, Berks County	Rattling Run, EV, MF; Rattling Run, CWF, MF; Little Schuylkill River, CWF, TSF; Schuylkill River, WWF, MF
PAI026411004	Modern Gas Sales, Inc. P. O. Box 5001 Avoca, PA 18641	Wayne	Texas Twp.	Lackawaxen River, HQ-CWF, MF
PAI024511001	Shoppes at Turtle Walk, L.P. P. O. Box 98 Bartonsville, PA 18321	Monroe	Hamilton Twp.	UNT to Pocono Creek, HQ-CWF, MF
PAI026412009	PPL Electric Utilities Corp., Inc. 2 North Ninth St. GENN 3 Allentown, Pa 18101	Wayne	Paupack Twp.	Wallenpaupack Creek, HQ-CWF, MF; Middle Creek, HQ-CWF, MF
PAI023904039R	Heritage Building Group, Inc. 865 Easton Road Suite 250 Warrington, PA 18976	Lehigh	Upper Macungie Twp.	UNT to Schaefer Run, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030611007	Todd Conn Reading School District 800 Washington Street Reading, PA 19601-0027	Berks	Reading City	Schuylkill River Watershed (WWF, MF)
PAI032106001R	John A. Kerschner Eastern Development & Planning, Inc. 7300 Derry Street Harrisburg, PA 17111	Cumberland	South Middleton Township	Letort Spring Run (EV, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041812003	Snavely's Mill Inc 22 Fishing Creek Rd Mill Hall PA 17751	Clinton	Lamar Township	Fishing Creek HQ-CWF, MF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02
Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Salem Twp., Luzerne County	PAG02004007027R	DMB Land Co. Matt Bower 208 W. 11th St. Berwick, PA 18603	Susquehanna River, WWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Washington Twp. and Bangor Borough	PAG02004805041R	DT Development Company, Inc. Kenneth A. Snyder 3312 7th St. Whitehall, PA 18052	Martins Creek, TSF, MF	Northampton Co. Cons. Dist. 610-746-1971
Jenkins Twp., Luzerne County	PAG02004012021	The Methodist Home for the Aging of the Wyoming Conference Chester Lowrie 10 Acre Place Binghamton, NY 13904	Susquehanna River, WWF, MF	Luzerne Co. Cons. Dist. 570-674-7991

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Straban Township Adams County	PAG02000111015	Vincent Cimino C&S Builders, LLC 96 Keller Road Gettysburg, PA 17325	Rock Creek/WWF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Colebrookdale Township Berks County	PAG02000607040R	William Anderson Longview Colebrookdale 1055 Wetlakes Drive, Suite 170 Berwyn, PA 19312	UNT to Swamp Creek/TSF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Wyomissing Borough Berks County	PAG02000610040R	Barbara Reisch Spartan Properties, LLC 560 Van Reed Road, Suite 206 Wyomissing, PA 19610	Schuylkill River/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Lower Heidelberg Township Berks County	PAG02000607084R	Larry Bortz Wilson School District Four Cloister Court Sinking Spring, PA 19608	Little Cacoosing Creek/WWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
East Donegal Township Lancaster County	PAG02003606112(1)R	Glaxo Smith Kline Biologicals 325 North Bridge Street Marietta, PA 17547	Susquehanna River/Evans Run/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Ephrata Township Lancaster County	PAG02003608045R	Gerry Horst 120 North Pointe Boulevard Lancaster, PA 17601	Cocalico Creek/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
West Donegal Township Lancaster County	PAG02003611031R	H-T Partners, LLC 3050 Yellow Goose Road PO Box 277 Landisville, PA 17538	Conoy Creek/ TSF, MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Donegal Township Lancaster County	PAG02003612072	Donegal Mills Plantation 1190 Trout Run N Road Mount Joy, PA 17552	Donegal Creek/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Lampeter Township Lancaster County	PAG02003613005	Old Mill Lane, LLC PO Box 55 Witmer, PA 17585	Mill Creek/Stauffer Run/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
West Cocalico Township Lancaster County	PAG02003613008	Eugene K. Martin 2000 West Route 897 Denver, PA 17517	Cocalico Creek/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Lampeter Township Lancaster County	PAG02003613016	Charter Home Builder Co. 1190 Dillerville Road Lancaster, PA 17601	Conestoga River/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Oliver Township Perry County	PAG02035011002R	The Bank of Landisburg 100 North Carlisle Street Landisburg, PA 17040	Little Buffalo Creek/ CWF	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Millville Borough Greenwood Township Columbia County	PAG02001913001	George Myers Board of Trustee, CM PO Box 470 Millville PA 17846	Little Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg PA 17815 (570) 784-1310
Coal Township Northumberland Cnty	PAG02004913001	Anthracite Outdoor Adventure Area Authority Trailhead State Route 125 Coal Twp. PA 17866	Shamokin Creek WWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 495-4665
Brookfield Twp Tioga County	PAG02005913001	First Pennsylvania Resource LLC 1738 E 3rd St #175 Williamsport PA 17701	UNT to Cowanesque River CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5
Richmond Twp Tioga County	PAG02005913002	William E Robinson 16064 Route 6 Mansfield PA 16933	UNT to North Elk Run CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Redbank Township Wayne Township Armstrong County	PAG02000311003	Mahoning Creek Hydroelectric Company, LLC c/o Enduring Hydro, LLC 5425 Wisconsin Ave 6th Floor Chevy Chase, MD 20815	Mahoning Creek (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435
Manor Township Armstrong County	PAG02000313002	Dawn Kocher-Taylor 2215 Chaplin Ave Ford City, PA 16226	UNT to Fort Run (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435
Economy Borough New Sewickley Township Beaver County	PAG02000406021R2	Traditions of America 201 King of Prussia Road Suite 370 Radnor, PA 19087	UNT to Tevebaugh Run (WWF), UNT to Crows Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Hopewell Township Beaver County	PAG02000413006	PennDOT Dist. 11-0 45 Thoms Run Rd Bridgeville, PA 15017	UNT to Ohio River (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Cumberland Township Greene County	PAG02003013001	Sheetz, Inc. 8147 Brookfield Drive Sevenfields, PA 16046	Little Whitely Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Richhill Township Greene County	PAG02003012010	Burns Drilling & Excavating PO Box 41 Wind Ridge, PA 15380	Dunkard Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
White Township Indiana County	PAG02003213001	Indiana County Development Corporation 801 Water St Indiana, PA 15701	Cherry Run (CWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Chartiers Township Washington County	PAG02006313003	South Strabane Township Sanitary Authority 550 Washington Road Washington, PA 15301	Chartiers Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Ligonier Township Westmoreland County	PAG02006511014R	Kim Miller dba Kananga Farm 213 Peoples Road Ligonier, PA 15658	UNT to Mill Creek (CWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Vandergrift Borough Westmoreland County	PAG02006512014	East Vandergrift Borough 254 Kennedy Ave East Vandergrift, PA 15629	Kiskiminetas River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
City of Monessen Westmoreland County	PAG02006512030	Mon Valley Sewage Authority 20 S. Washington Street Donora, PA 15033	Monongahela River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Municipality of Murrysville Westmoreland County	PAG02006512036	Susan Dietrich 3824 School Road Murrysville, PA	Lyons Run (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township Westmoreland County	PAG02006512037	Westmoreland County Industrial Development Corporation	UNT to Nine Mile Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
East Huntingdon Township Westmoreland County	PAG02006512040	Golden Triangle Construction 8555 Old Steubenville Pike Imperial, PA 15126	Sherrick Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Vandergrift Borough Westmoreland County	PAG02006512041	Vandergrift Borough 109 Grant Avenue Vandergrift, PA 15690	Kiskiminetas River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Glade Township Warren County	PAG02006213001	United Refining Company PO Box 780 Warren PA 16365	Glade Run CWF	Clarion County Conservation District 814-297-7813

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County / South Lebanon Township	PAR703521	Edward J. Werkheiser PPL Ironwood LLC 2 N. Ninth St., Mail Stop GENPL6 Allentown, PA 18101-1179	Tulpehocken Creek / 3-C	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cecil Township Washington County	PAR206137	MCC International, Inc. PO Box 456 Cecil, PA 15321-0456	Millers Run Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Media Borough Delaware County	PAG130115	Media Borough Delaware County 301 North Jackson Street 2nd Floor Media, PA 19063	Unnamed Tributary to Ridley Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Upper Hanover Township Montgomery County	PAG130109	Upper Hanover Township Montgomery County 1704 Pillsbury Road East Greenville, PA 18041	Macoby Creek, Perkiomen Creek and Unnamed Tributary to Molasses Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Chadds Ford Township Delaware County	PAG130142	Chadds Ford Township Delaware County 10 Ring Road Chadds Ford, PA 19317	Beaver Creek, Harvey Run and Unnamed Tributary to Webb Creek—3-G and 3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

General Permit Type—PAG-5

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Pittsfield Township Warren County	PAG058350	United Refining Company of Pennsylvania (Kwik Fill M381) PO Box 688 Warren, PA 16365	An Unnamed Tributary to Brokenstraw Creek	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Franklin County Washington Township	PAG123610, T-1	Michael J. Hege Martin's Pine Lane Farm 11437 Gehr Road Waynesboro, PA 17268	East Branch Antietam Creek / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Wayne Township	PAG123667	Gary E. Miller Gary Miller Farm 2146 Powells Valley Road Halifax, PA 17032	Powells Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Conoy Township	PAG123574	Paul Swanger Swanger Ranch 150 Kissel Barrick Road Bainbridge, PA 17502	Chickies Creek / TSF, MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County West Cocalico Township	PAG123741	Delmar R. Martin Reinholds Farm 1335 Firestone Road Lititz, PA 17543	UNT to Cocalico Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County Peters Township	PAG123513	Pork Champ LLC Dry Run Farm 2 Seymour Street Marengo, OH 43334	UNT to Back Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Heidelberg Township	PAG123613, A1	Donald Weaver Smith Station Acres, LLC 1871 Smith Station Road Spring Grove, PA 17362	UNT Oil Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-13

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lehigh Township Northampton County	PAG132239	Lehigh Township Northampton County 1609 Municipal Road Walnutport, PA 18088	Bertsch Creek, Hokendauqua Creek, Indian Creek and Lehigh River—CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Hanover Township, Lehigh County	PAG132301	Hanover Township Lehigh County 2202 N. Grove Road Allentown, PA 18103	Unnamed Tributary to Lehigh River— CWF, MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG123653	Steve Daugherty Yorkana Borough 1 Bluestone Road Yorkana, PA 17406	York	Yorkana Borough	Kreutz Creek / WWF and UNT Kreutz Creek / MF	Y
PAG133654	Deborah L. Dupler Hellam Borough 150 West Beaver Street Hellam, PA 17406	York	Hellam Borough	Kreutz Creek / WWF and UNT Kreutz Creek / MF	Y
PAG133626	Lower Windsor Township 2425 Craley Road Wrightsville, PA 17368	York	Lower Windsor Township	Cabin Creek, Fishing Creek—TSF, UNT Cabin Creek—MF, UNT Fishing Creek— WWF, UNT Kreutz Creek— MF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133543	Brenda Wick Lower Swatara Township 1499 Spring Garden Road Middletown, PA 17057	Dauphin	Lower Swatara Township	Burd Run, Buser Run, UNT Susquehanna River, UNT Swatara Creek, UNT Burd Run, UNT Buser Run and UNT Susquehanna / WWF & MF	Y
PAG133543	Elizabeth England West Hanover Township 7171 Allentown Boulevard Harrisburg, PA 17112	Dauphin	West Hanover Township	Beaver Creek, UNT Manada Creek, UNT Beaver Creek and UNT Manada Creek / WWF & MF	Y

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Keith Heimbach 129 Don Packard Road Granville Summit, PA 16926	Bradford	317.6	675.83	Swine, Beef, Bison	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropri-

ate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2212502 MA, Minor Amendment, Public Water Supply.

Applicant **J & T Rentals**
 Municipality Washington Township
 County **Dauphin**
 Responsible Official Tony Shiffer, President
 41 S. Callowhille Street Suite 1
 Elizabethville, PA 17023
 Type of Facility GWR 4-log inactivation of
 viruses for EP 101 at Short
 Mountain Village.
 Consulting Engineer Max E Stoner, P.E.
 Glace Associates, Inc.
 3705 Trindle Rd
 Camp Hill, PA 17011
 Permit to Construct 3/13/2013
 Issued:

Permit No. 6713506 MA, Minor Amendment, Public Water Supply.

Applicant **Wrightsville Borough
Municipal Authority**
 Municipality Wrightsville Borough
 County **York**
 Responsible Official Brian Lyle, General Manager
 PO Box 187 601 Water Street
 Wrightsville, PA 17368
 Type of Facility Hellam Street Water Tank repair
 and repaints to interior and
 exterior.
 Consulting Engineer John F Leen IV, P.E.
 C S Davidson Inc
 38 North Duke Street
 York, PA 17401
 Permit to Construct 3/14/2013
 Issued:

Permit No. 3612534, Public Water Supply.

Applicant **Chestnut Level Presbyterian
Church**
 Municipality Drumore Township
 County **Lancaster**
 Responsible Official Larry L Miller,
 Water System Operator
 2021 Horseshoe Road
 Lancaster, PA 17602
 Type of Facility Installation of an anion exchange
 nitrate treatment system and a
 caustic soda injection system for
 general corrosion control.
 Consulting Engineer Thomas J Whitehill, P.E.
 Whitehill Consulting Engineers
 763 Conowingo Rd.
 Quarryville, PA 17566

Permit to Construct 3/5/2013
 Issued:

Operations Permit issued to: **Ridgeview Mobile Home Park**, 7380034, East Hanover Township, **Lebanon County** on 3/13/2013 for the operation of facilities submitted under Application No. 3812509 MA.

Operations Permit issued to: **Hillside Rest Home**, 7010006, Hamiltonban Township, **Adams County** on 3/13/2013 for the operation of facilities submitted under Application No. 0113501 MA.

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

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

Applicant **Bald Eagle Wilderness Boys
Camp**
 [Township or Borough] Bald Eagle Township
 County **Clinton**
 Responsible Official Mr. Dennis Martin
 736 East Lincoln Avenue
 Myerstown, PA 17067
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued March 13, 2013
 Description of Action 4-log inactivation of viruses at
 Entry Point 100 (Well No. 1).

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

Applicant **Seven Hills Mobile Home
Park**
 [Township or Borough] Rome Borough
 County **Bradford**
 Responsible Official Mr. Gerald Ruger
 Seven Hills Mobile Home Park
 74 Seven Hills Drive
 Rome, PA 18837
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued March 13, 2013
 Description of Action 4-log inactivation of viruses at
 Entry Point 100 (Well No. 1).

Permit No. 1810501—Operation Public Water Supply.

Applicant **Suburban Lock Haven Water
Authority**
 [Township or Borough] Woodward & Colebrook
 Townships
 County **Clinton**
 Responsible Official Mr. Jack Peters
 Suburban Lock Haven
 Water Authority 326 Main Street
 Mill Hall, PA 17751
 Type of Facility Public Water Supply
 Consulting Engineer David M. Swisher, P.E.
 Herbert, Rowland & Grubic, Inc.
 474 Windmere Drive, Suite 100
 State College, PA 16801

Permit Issued March 14, 2013
 Description of Action Whiskey Run transmission main and booster pump station.

Permit No. 1712502—Construction Public Water Supply.

Applicant **City of DuBois**
 [Township or Borough] City of DuBois
 County **Clearfield**
 Responsible Official Mr. Herm Suplizio
 City of DuBois
 16 West Scribner Avenue
 DuBois, PA 15801

Type of Facility Public Water Supply
 Consulting Engineer Karl Shellenberger, P.E.
 Buchart Horn, Inc.
 1975 Waddle Road
 State College, PA 16803-1939

Permit Issued March 19, 2013
 Description of Action Development of Wells C, D, F and G, upgrade of the permanganate feed system, blending for TDS and sulfate treatment, and cascade tray aeration for methane removal.

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

Operation Permit issued to **Scott A. Mitchell d/b/a Mitchell Lake Mobile Home Park**, PWSID #6200002, Cambridge Township, **Crawford County**. Permit Number 2010502 issued March 12, 2013 for the operation of the groundwater source "Well #1" and the associated arsenic treatment system at the Mitchell lake Mobile Home Park water treatment facility. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 13, 2013.

Permit No. 2512507 Public Water Supply

Applicant **Charles L. Bauer d/b/a Sunny Acres Mobile Home Park**

Township or Borough Venango Township
 County **Erie**
 Type of Facility Public Water Supply
 Consulting Engineer Chad W. Yurisc, P.E.
 Deiss & Halmi Engineering, Inc.
 105 Meadville Street
 Edinboro, PA 16412

Permit to Construct Issued March 13, 2013

Operation Permit issued to **Cranberry-Venango County General Authority**, PWSID #6610031, Cranberry Township, **Venango County**. Permit Number 6111504 issued March 13, 2013 for the operation of the two (2) newly installed 3,500-gallon chlorine contact tanks at the Cranberry-Venango County General Authority water treatment facility. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 21, 2013.

Permit No. 4212501 Public Water Supply

Applicant **Bradford City Water Authority**

Township or Borough Bradford Township
 County **McKean**
 Type of Facility Public Water Supply
 Consulting Engineer Randy L. Krause
 Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051

Permit to Construct Issued March 15, 2013

Operation Permit issued to **John C. and Karla R. Edwards d/b/a Edwards Mobile Home Park**, PWSID #6250014, West Springfield Township, **Erie County**. Permit Number 2588509-T1-MA1 issued March 18, 2013 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

Construction/Operation Permit issued to **Gary E. Frelich d/b/a Whispering Pines Mobile Home Park**, PWSID #6250097, Girard Township, **Erie County**, for the construction/operation of Whispering Pines Mobile Home Park water treatment system. Construction and Operation authorized simultaneously under permit number 2512506 issued March 18, 2013.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response

East Pikeland Dieldrin HSCA Site; East Pikeland Township; Chester County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), is proposing a response action at the East Pikeland Dieldrin HSCA Site (Site) in East Pikeland Township, Chester County, Pennsylvania.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation included the sampling of private drinking water supply wells located near the intersection of Hares Hill Road and West Seven Stars Road in East Pikeland Township. Sampling revealed levels of the pesticide, Dieldrin, exceeding the state-wide health standard for drinking water.

To address the presence of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation and maintenance of point-of-entry, whole-house carbon filter systems on affected active water supply wells. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, supplying bottled water to affected residences, or the installation of a public water supply water line.

An Administrative Record, which contains more detailed information concerning this proposed response ac-

tion, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Carly Baker at (484) 250-5730 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the East Pikeland Township Building.

Pursuant to Section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on May 1, 2013 at 7:00 p.m. at the East Pikeland Township Building, located at 1158 Rapps Dam Road, Phoenixville, PA 19460. Anyone who would like to present formal oral comments regarding this proposed response may do so by calling DEP Community Relations Coordinator Lynda Rebarchak, at (484) 250-5820 to register.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. Members of the public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business June 17, 2013. Written comments should be addressed to Carly Baker, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Carly Baker at (484) 250-5730.

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 and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Nadine Young Property, 30 East James Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Allstate Insurance Company, 1200 Atwater Drive, Suite 10, Malvern, PA 19355, and Nadine Young, 30 East James Street, Lancaster, PA 17602, submitted a Final Report concerning site soils contaminated with fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Former Lehr's Exxon, Manchester Township, **York County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Carole Lehr, c/o Attorney Bob Kane, 474 West Market Street, York, PA 17401, submitted a Final Report concerning site soils and groundwater contaminated with unleaded and leaded gasoline from historic operations of an automotive service facility and retail sales. The report is intended to document remediation of the site to meet a combination of Nonresidential Statewide Health and Site-Specific standards.

Carol Millhouse Residence, 2722 Royal Road, Lancaster, PA 17603, Manor Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Carol Millhouse, 109 Arrowwood Court, Lancaster, PA 17603, submitted a Remedial Investigation Report and Cleanup Plan for site soils contaminated with fuel oil. The site will be remediated to a combination of Residential Statewide Health and Site-Specific standards.

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

Mays Phillips Lane, 90 Phillips Lane, Robinson Township, **Allegheny County**. ARCADIS-US, Inc., One Adams Place, 310 Seven Fields Blvd., Seven Fields, PA 16046 on behalf of Beazer East, Inc., Manor Oak One- Suite 200, 1910 Cochran Road, Pittsburgh, PA 15220 submitted a Final Report concerning remediation of site soil and groundwater contaminated with VOCs' SVOCs, metals and PCBs. The report is intended to document remediation of the site to meet the 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:

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

Brasalind Property Inc., Borough of West Chester **Chester County**. Jack Lew, 220 Chestnut Associates, LP, 55 County Club Drive, Downingtown, PA 19335, Jack Moretti, Brasalind Properties, Inc., 10 Springhouse Lane, Media, PA on behalf of Michael S. Welsh, P.G., Welsh

Environmental, Inc. 131 Clearview Drive, Downingtown, PA 19335 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with no. 6 fuel oil. Remedial Investigation Report was approved by the Department on January 17, 2013.

Pine Court Apartments, City of Philadelphia, **Philadelphia County**. Michael Greenzang, Pine Court Apartments, LLC, 2015 Locust Street, PA 19103 on behalf of Tom Brady, PT Consultants, Inc., 629 Creek Road, Bellmawr, PA 08031 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 1, 2013.

Texaco 100247, City of Philadelphia, **Philadelphia County**. Albert Kuoch, Penn GMT Corporation, 1900 East Sedgley Avenue, PA 19124-5622 on behalf of Robert Holland, Bottom Dollar Food Northeast, LLC, P. O. Box 1330, Salisbury, NC 28145, Jeffrey T. Bauer, P.G., Whitestone Associates, Inc. 1600 Manor Drive, Suite 220, Chalfont, PA 18914 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil contaminated with motor oil. The Remedial Investigation and Final report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on February 15, 2013.

FBF Inc., Upper Southampton Township **Bucks County**. Joe Medvic, FBF Incorporated, 1145 Industrial Boulevard, Southampton, PA 18966 on behalf of Phillip Getty, Boucher & James, Inc. 1456 Ferry Road, Building 500, Doylestown, PA 18901 has submitted a Risk Assessment, Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater contaminated with pce and tce. The Risk Assessment, Cleanup Plan and Remedial Investigation Report were disapproved by the Department on February 25, 2013.

C & D Tech Inc. Facility, Conshohocken Borough **Montgomery County**. Michael Gonshor, P.G., Roux Associates, Inc., 122 Forest Parkway Suite 1909, West Deptford, NJ 08066 has submitted a Cleanup Plan, Remedial Investigation, and Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with pah, and inorganics. The Cleanup Plan, Remedial Investigation, and Risk Assessment Report were disapproved by the Department on February 6, 2013.

Gutknecht Residence, Falls Township **Bucks County**. Kurt Gutknecht, 75 Vermillion Drive, Levittown, PA 19054 on behalf of Ty Gawlick, State Farm Insurance Company, PO Box 8061, Ballston, Spa, NY 12020-8061, Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on January 25, 2013.

Village Center Shopping Center, Richland Township **Bucks County**. HRG, Inc. 369 East Pike Drive, Harrisburg, PA 17111 on behalf of Michael Weave, DePaul Management Company, 1750 Walton Road, Blue Bell, PA 19422 has submitted a Remedial Investigation and Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation and Final Report were disapproved by the Department on January 17, 2013.

Dutton Mill Property LLC, Middletown Township **Delaware County**. Herbert T. Sweeney, Dutton Mill Properties, LLC, 308 Dutton Mill Road, Brookhaven, PA 19015 on behalf of Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia PA 19104-0591 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with other organics and pah. The Remedial Investigation Report and Cleanup Plan were approved by the Department on February 28, 2013.

Berry Residence, East Norriton Township **Montgomery County**. Adam and Rebekah Berry, 1 Pacer Lane, Norristown, PA 19401-1732, on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Denny Owens, State Farm Pennsylvania Fire Claims, P. O. Box 106110, Atlanta, GA 30348-6110 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 20, 2013.

Schulmerich Carillons, Inc., Borough of Sellersville **Bucks County**. Jonathan S. Goldstein, Esquire, Carillon Hill, LP, P. O. Box 903, Sellersville, PA 18960 on behalf of Vincent T. Donohue, Esquire, SC Liquidation Corporation, 24 East Market Street, P. O. Box 5654, West Chester, PA 19381 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 1, 2013.

Evergreen Towers Apartment, City of Philadelphia, **Philadelphia County**. Joseph Casacio, Evergreen Park Manor Corporation, 2301 Woodward Street, Philadelphia, PA 19115 on behalf of Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 4, 2013.

Patricia Bohner Property, Willistown Township **Chester County**. Heath Brown, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482, Larry Rossi, 1st Class Contractors, 415 Three Ton Road, Malvern, PA 19355 on behalf of Rick Bohner, Pat Bohner, LLC, 1201 Brentford Lane, Malvern, PA 19355 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 20, 2013.

Nelson Residence, New Hope Borough **Bucks County**. Stanley Nelson, 1475 Sailboat Circle, Wellington, FL 33414 on behalf of Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 20, 2013.

Olga Bonamico Residence, West Norriton Township **Montgomery County**. Olga Bonamico, 2445 Chestnut Avenue, Norristown, PA 19355 on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, PA 18073, Paul Coppadge, All State Insurance, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 has submitted a 90

day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 30, 2013.

Far Away farms County Corner, Wallace Township **Chester County**. George Ley, Far Away Farms County Corner LLP, 130 Devereux Road, Glenmoore, PA 19343 on behalf of Alexander Ulmer, Barry Isett & Associates, Inc., 85 South Route 100, Allentown, PA 18106 has submitted a Final Report concerning the remediation of site soil contaminated with leaded and unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 1, 2013.

Cummins Power System LLC, Bristol Township **Bucks County**. Jay Tee White, Cummins Power System LLC, 2727 Ford Road, Bristol, PA 19007, Shawn S. Fiore, Haley & Aldrich, Inc., 5755 Granger Road, Cleveland, OH 44131, Richard W. Volpi, Haley & Aldrich, Inc., 5755 Granger Road, Cleveland, OH 44131 on behalf of Lynn Coy, CRM Associates, 241 Goldenrod Drive, Lansdale, PA 19446 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on January 31, 2013.

421 Line Street, Lansdale Borough **Montgomery County**. Christopher Canavan, Blecker Acquisitions, L.P., 404 Sumneytown Pike, North Wales, PA 19454 on behalf of Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with pah. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 1, 2013.

2375 Hickory Lane Site, Springfield Township **Bucks County**. Kimberly Dunham, 2375 Hickory Lane, Quakertown, PA 18036 on behalf of Jeremy W. Bolyn, environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, Joseph Boyle, Boyles's Heating, 1432 South West End Boulevard, Quakertown, PA 18951-5212 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 11, 2013.

Galbraith Don Motoring, Easttown Township **Chester County**. Don Galbraith, Don Galbraith Motoring, Inc., 149 Old Lancaster Road, Devon, PA 19333 on behalf of Staci Cottone, J&J Spill Service and Supplies, P. O. Box 370, Blue Bell, PA 19422, Michael S. Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335, has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 30, 2013.

McGonigle Residence, Pottstown Borough **Montgomery County**. Jeremy McGonigle, 347 West Beech Street, Pottstown, PA 19464 on behalf of Jim Gould, Lewis Environmental, Inc. 155 Railroad Plaza, P. O. Box 639, Royersford, PA 19468 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 8, 2013.

Hopkins Residence, Lower Southampton Township **Bucks County**. Shirley Hopkins, 2543 Buffalo Avenue, Trevoise, PA 19053 on behalf of Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, Allstate Insurance Company, 309 Lakeside Drive, Suite 100, Horsham, PA 19044 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on December 10, 2012.

Roosevelt Memorial Park, Lower Southampton Township **Bucks County**. David Gordon, Roosevelt Memorial Park, 2701 Old Lincoln Highway, Featerville-Trevoise, PA 19053 on behalf of Dan Forrest, Bristol Environmental & Services Company, 311 State Road, Croydon, PA 19021, Jason Pero, Brilliant Environmental Services, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with diesel fuel and gasoline. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 7, 2013.

Horsham Valley Golf Club, Horsham Township **Montgomery County**. Harry C. Barbin III, Horsham Valley Golf Club, 500 Babylon Road, Amber, PA 19002 on behalf of Mark Fortna, DelVal Soil & Environmental Consultants, Sky Run II, Suite A1, Skyron Drive Doylestown, PA 18902 has submitted a Final Report concerning the remediation of site soil contaminated with mercury. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 11, 2012.

Eddystone Generating Station, Eddystone Borough **Delaware County**. Robert Matty, Exelon Generation Company, 300 Exelon Way, Kennett Square, PA 19348 on behalf of Cheri Peifer, Exelon Generation Company, 300 Exelon Way, Kennett Square, PA 19348, Scott Nelson, Brown and Caldwell, 535 Route 38 East, Cherry Hill, NJ 08002 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 29, 2013.

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

Horwith Trucking Backlot, 6 Horwith Drive, Northampton Borough, **Northampton County**, Elizabeth Schamberger, Moonstone Environmental, LLC, has submitted a Combined Remedial Investigation Report/Final Report on behalf of her client Regina Grim, MRS Land LLC., Route 329, Northampton, PA 18067, concerning the remediation of soil and groundwater from bunker oil due to an historical release. The reports were submitted to document attainment of the non-Residential Statewide Health standard for soils and Site Specific standard for Groundwater and were approved on March 12, 2013.

Tate Property, 2711 Bushkill Street, Palmer Township, **Northampton County**, Thomas Martinelli, JMT Environmental, 3353-C Gun Club Road, Nazareth, PA 18065, submitted a Final Report on behalf of his client, Krista Tate, 2711 Bushkill Street, Easton, PA 18045, concerning the remediation of soil found to have been impacted by #2 fuel oil from a leaking 500 gallon underground storage tank. The report documented attainment of the Residential Statewide Health Standard for

soil and was approved on March 13, 2013. The report was submitted within 90 days of the release.

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

General Dynamics—OTS (Pennsylvania) Inc., 200 East High Street, Red Lion, PA 17356, Red Lion Borough and Windsor Township, **York County**. Buchart Horn, Inc., 445 West Philadelphia Street, York, PA 17401, on behalf of General Dynamics—OTS, 11399 16th Court North, Suite 200, St. Petersburg, FL 33716, submitted a Final Report concerning remediation of soils contaminated with VOCs, chlorinated solvents and PAHs. The Final Report demonstrated attainment of the Residential Statewide Health and Site-Specific standards, and was approved by the Department on March 12, 2013.

General Dynamics—OTS (Pennsylvania) Inc., 200 East High Street, Red Lion, PA 17356, Red Lion Borough and Windsor Township, **York County**. Buchart Horn, Inc., 445 West Philadelphia Street, York, PA 17401, on behalf of General Dynamics—OTS, 11399 16th Court North, Suite 200, St. Petersburg, FL 33716, submitted a Remedial Investigation Report concerning remediation of groundwater contaminated with VOCs, chlorinated solvents and PAHs. The Report was approved by the Department on March 12, 2013. Groundwater is being remediated to a Site-Specific standard.

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

Harriet C. McClure et al No. 21 Well Site, Henderson Township, **Jefferson County**. Civil & Environmental Consultants, Inc., 4000 Triangle Lane, Suite 200, Export, PA 15632 on behalf of PDC Mountaineer, LLC., 120 Genesis Boulevard, Bridgeport, WV 26370 has submitted a Final Report concerning the remediation of site soils contaminated with Chloride, Aluminum, Barium, Calcium, Iron, Manganese, Nickel, Potassium, Selenium, Vanadium, and Zinc. The Final Report was approved by the Department on March 12, 2013, and demonstrated attainment of the Statewide Health Standard for Benzene, Toluene, Ethyl benzene, Xylenes, 1,2,4 Trimethylbenzene, 1,3,5 Tri-methylbenzene, Aluminum, Barium, Boron, Iron, Manganese, Nickel, Selenium, Vanadium, Zinc and the Background Standard for Calcium, Potassium, Sodium, and Chloride.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

Registration for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

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

General Permit No. WMGR123-SC001. CRS Reprocessing, LLC, 569 Industrial Road, Lewisberry, PA 17339. The Department of Environmental Protection has issued a registration under General Permit WMGR123 to CRS Reprocessing, LLC, for the processing, transfer, or beneficial use of oil or gas liquid waste to develop or hydraulically fracture an oil or gas well. This Registration was issued on February 14, 2013 and is for their location at 569 Industrial Road, Lewisberry, PA 17339.

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

AIR QUALITY

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

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

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

GP3-40-002: Luzerne County Government (200 North Street, Wilkes-Barre, PA 18711) on February 20, 2013, for operation of two (2) natural gas/#2 oil fired boilers at County Courthouse in Wilkes-Barre City, **Luzerne County**.

GP9-39-001: PPL Electric Corp. (827 Hausman Road, Allentown, PA 18104) on February 4, 2013, for the installation and three (3) diesel fired I.C Engines at the facility located in Upper Macungie Township, **Lehigh County**.

GP1-54-001: PA Department of Corrections—SCI Mahanoy (301 Morea Road, Frackville, PA 17932) on March 3, 2013, to operate a natural gas/ #2 oil fired boiler in Frackville Borough, **Schuylkill County**.

GP3-58-003: Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630) on February 21, 2013, to construct and operate a Portable Crushing Operation with water sprays at Ford Road in Auburn Township, **Susquehanna County**.

GP9-58-003: Meshoppen Stone, Inc. (P. O. Box 127, Meshoppen, PA 18630) on February 21, 2013, to install and operate a Diesel I/C engine at Ford Road in Auburn Township, **Susquehanna County**.

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

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

GP1-06-03073B: Giorgio Foods, Inc. (1161 Park Road, Temple, PA 19560) on March 12, 2013, for the three natural gas-fired boilers, under GP1, at the mushroom processing facility in Maiden Creek Township, **Berks County**. The general permit authorization was renewed.

GP9-05-05007A: Texas Eastern Transmission, LP (PO Box 1642, Houston, TX 77251-1642) on March 13, 2013, for two diesel engine driven electric generators, each rated at 375 HP, under GP9, at the Bedford Compressor Station in Bedford Township, **Bedford County**.

GP3-06-03158: Liberty Excavators, Inc. (4402 Gettysburg Road, Camp Hill, PA 17011) on March 14, 2013, for a portable nonmetallic mineral processing plant under GP3 at the Glen Gery Mid-Atlantic Plant in Perry Township, **Berks County**.

GP11-06-03158: Liberty Excavators, Inc. (4402 Gettysburg Road, Camp Hill, PA 17011) on March 14, 2013,

for three nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Glen Gery Mid-Atlantic Plant in Perry Township, **Berks County**.

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

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

GP3-14-399: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on March 13, 2013, for construction and operation of a 2008 vintage KPI model 4240 portable crushing plant and a 2007 vintage Extec S5 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Benner Township, **Centre County**.

GP11-14-399: R.S. Services (119 Falls Road, Beech Creek, PA 16822) on March 13, 2013, for the construction and operation of a 2008 vintage 350 brake-horsepower Cummins QSL diesel engine and a 2007 vintage 100 brake-horsepower Deutz model BF4M2012 diesel engine under the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at a site in Benner Township, **Centre County**.

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

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

GP1-10-382A: Clearwater Technologies, LLC (1043B Branchton Road, Boyers, PA 16020) on March 14, 2013, for operation of a 25.104 mmbtu/hr (600 hp) Cleaver Brooks natural gas fired boiler (BAQ-GPA/GP-1) in Cherry Township, **Butler County**.

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

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

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

54-305-023: BET Associates IV LLC (1233 East Broad Street, Tamaqua, PA 18252) on February 28, 2013, for construction and operation of a thermal dryer with air cleaning device at their LCN Mine in Tamaqua Borough, **Schuylkill County**.

39-317-029: Orograin Bakeries Manufacturing, Inc. (150 Boulder Drive, Breinigsville, PA 18031) on March 13, 2013, for construction of a new commercial bakery to include two (2) baking lines and a thermal oxidizer at their facility to be located in Upper Macungie Township, **Lehigh County**.

66-315-057: Procter & Gamble Paper Products (PO Box 32, Mehoopany, PA 18629) on February 12, 2013, for modification to paper machine No. 2M and 3M at the facility in Washington Township, **Wyoming County**.

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

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

36-03161B: Compass Quarries, Inc. (PO Box 130, 47 McIlvaine Road, Paradise, PA 17562) on March 12, 2013, for replacement of two (2) baghouses with a wet suppression system, and the replacement of the 250 tph Kemco impact crusher with a 375 tph Metso Nordberg cone crusher, controlled by wet suppression, at their stone crushing plant in Paradise Township, **Lancaster County**.

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

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

18-00009E: Clinton County Solid Waste Authority (264 Landfill Lane, McElhattan, PA 17748-0209) on March 11, 2013, for installation and operation of a 4,000 standard cubic foot per minute (scfm) enclosed flare to control the air contaminant emissions from the South Side of the Wayne Township Landfill in Wayne Township, **Clinton County**.

59-00008B: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Houston, TX 77002) on March 12, 2013, for plan approval for the Solar® compressor-turbine and Cat® generator-engine at their Station 315 facility located in Charleston Township, **Tioga County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

09-0021D: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on March 8, 2013, for operation of a landfill gas collection in Falls Township, **Bucks County**.

15-0060F: Southeastern Chester County Refuse Authority (P. O. Box 221, Kennett Square, PA 19348) on March 11, 2013, for operation of a 2,233 BHP caterpillar IC engine/generator in London Grove Township, **Chester County**.

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

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

06-05002H: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) on March 14, 2013, for installation of SNCR NO_x controls on the two cement kilns at the cement manufacturing facility in Maiden Creek Township, **Berks County**. The plan approval was extended.

36-03186A: Kline's Services, Inc. (5 Holland Street, Salunga, PA 17538) on March 15, 2013, for installation of an anaerobic digester, biogas IC engine, H₂S biogas scrubbers and biogas flares for their facility in East Hempfield Township, **Lancaster 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

14-00014D: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on March 14, 2013, to extend the authorization to operate sources pursuant to the plan approval at their facility in Spring Township, **Centre County** on a temporary basis to September 12, 2013. The plan approval has been extended.

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

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

32-00055H: Homer City Generation, LP (1750 Power Plant Road, Homer City PA 15748) on February 21, 2013, to issue a modified Plan Approval PA-32-00055H to Homer City Generation, LP. PA-32-00055H was modified to correct errors in the transferred PA-32-00055H previously issued on December 13, 2012. The new owner of this facility is Homer City Generation, LP and new operator is NRG Homer City Services, LLC. PA-32-00055H was issued to authorize the construction of dry flue gas desulfurization ("FGD") systems with fabric filters and associated support equipment for the control of SO_x emissions from Unit 1 and 2 at the Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

32-00055F: Homer City Generation, LP (1750 Power Plant Road, Homer City PA 15748) on February 21, 2013, to issue a modified Plan Approval PA-32-00055F to Homer City Generation, LP. PA-32-00055F was modified to correct errors in the transferred PA-32-00055F previously issued on December 13, 2012. The new owner of this facility is Homer City Generation, LP and new operator is NRG Homer City Services, LLC. PA-32-00055F was issued to authorize the construction of a replacement auxiliary boiler and associated stack at the Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

32-00055G: Homer City Generation, LP (1750 Power Plant Road, Homer City PA 15748) on February 21, 2013, to issue a modified Plan Approval PA-32-00055G to Homer City Generation, LP. PA-32-00055G was modified to correct errors in the transferred PA-32-00055G previously issued on December 13, 2012. The new owner of this facility is Homer City Generation, LP and new operator is NRG Homer City Services, LLC. PA-32-00055G was issued to authorize the construction of activated carbon injection systems on Units 1 and 2 at the Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

03-00027B: GenOn Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317) on March 14, 2013, to correct the previous authorization to extend the period of temporary operation of the Units No. 1 and 2 flue gas desulfurization systems and emergency generator covered under plan approval 03-00027B, until July 13, 2013, at the Keystone Generating Station located in Plumcreek Township, **Armstrong County**.

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

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

25-090D: Zurn Industries, LLC (1301 Raspberry Street, Erie, PA 16502-1543) on March 14, 2013, effective March 31, 2013, to issue an extension for construction of a new electric induction furnace melting operation with a fabric filter baghouse to control particulate matter (PM) emissions. The plan approval has been extended. This

equipment will replace the cupola furnace melting operation. This facility is in the City of Erie, **Erie County**.

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

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

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

22-05010: Texas Eastern Transmission LP (PO Box 1642, Houston, TX 77251-1642) on March 18, 2013 for the Grantville Compressor Station in East Hanover Township, **Dauphin County**. The Title V permit was renewed.

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

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

08-00001: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Houston, TX 77002) on March 15, 2013, to issue a renewal Title V Operating Permit 08-00001 for their Station 319 facility Wyalusing Township, **Bradford County**. Renewal Title V Operating Permit 08-00001 contains monitoring, recordkeeping and reporting conditions to ensure compliance with all applicable Federal and State air regulatory requirements for stationary sources.

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

46-00054: Abington Memorial Hospital (1200 Old York Rd, Abington, PA 19335) on March 12, 2013, for operation of a hospital in Abington Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The hospital has a previously federally-enforceable potential to emit limit of 24.99 TPY of NO_x. New applicable regulation is 40 CFR 63, Subpart JJJJJJ, for two of the boilers (Sources 032 and the Old Main Boiler). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00094: CCL Label, Inc. (1515 Garnet Mine Road, Boothwyn, PA 19061) on March 13, 2013, for operation of a rotogravure printing press, an automated parts washing machine, and a regenerative oxidizer at their plant in Bethel Township, **Delaware County**. This action is a renewal of the State Only Operating Permit (Natural Minor), which was originally issued on February 27, 2008. The facility shall comply with the emission limitations of 2.63 ton/yr. of CO, 2.5 ton/yr. of NO_x, and 5.57 ton/yr. of VOC, on a 12-month rolling sum basis. The renewal contains all applicable requirements including monitoring, record-keeping and reporting designed to keep the facility operating within all applicable air quality requirements.

09-00196: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) on March 15, 2013, for operation of three thermal destructors, an acid and strip room process, melt furnaces, ball mills and their

associated control devices at their plant, in Falls Township, **Bucks County**. The main pollutants emitted from the facility processes are NO_x, lead, mercury, and hydrochloric acid (including chlorine gas). The facility took emission restrictions for NO_x, single HAP and total combined HAPs just below the Title V facility threshold levels; therefore, it is a State-only (Synthetic Minor) facility. The proposed Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

28-05041: JLG Industries, Inc. (1 JLG Drive, McConellsburg, PA 17233-9502) on March 13, 2013, for their wrecker truck manufacturing facility on the Molly Pitcher Highway in Antrim Township, **Franklin County**. The State-only permit was renewed.

67-03001 Frito-Lay, Inc. (3553 Gillespie Drive, York, PA 17404-5803) on March 12, 2013, for their snack food manufacturing facility in West Manchester Township, **York County**. The State-only permit was renewed.

21-05032: Domestic Casting Co., Inc. (275 N. Queen Street, Shippensburg, PA 17257-1414) on March 12, 2013, for their gray and ductile iron foundry in Shippensburg Borough, **Cumberland County**. The State-only permit was renewed.

06-03152: Atlas Minerals & Chemicals, Inc. (1227 Valley Road, PO Box 38, Mertztown, PA 19539-0038) on March 11, 2013, for their synthetic resin and specialty asphalt manufacturing facility in Longswamp Township, **Berks County**.

06-03141: UGI LNG, Inc. (1 Meridian Blvd., Suite 2C01, Wyomissing, PA 19610-3230) on March 11, 2013, for the natural gas liquefaction facility in Ontelaunee Township, **Berks County**.

06-03079: Interstate Container LLC (100 Grace Street, Reading, PA 19611-1977) on March 18, 2013, for the paperboard manufacturing facility in Reading City, **Berks County**. The State-only permit was renewed.

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

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

55-00007: Lozier Corp. (48 East Ohio Street McClure, PA 17841) on March 12, 2013, a state only operating permit for their facility in McClure Borough, **Snyder County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00018: HRI, Inc. (1750 West College Avenue, State College, PA 16801) on March 14, 2013, a state only operating permit for their Oak Hall hot mix asphalt plant in College Township, **Centre County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-616636

25-00197: Erie Bronze & Aluminum (6300 Ridge Road, Erie, PA 16506) on March 11, 2013, issued the renewal of the State Only Operating Permit for the foundry operating for the manufacture of aluminum and bronze castings; located in Fairview Township, **Erie County**. The primary sources at the facility include 8 induction furnaces, 2 crucible Aluminum furnaces, 2 ovens, sand handling, foundry operations, saws and grinders, and a parts washer. Particulate matter emissions from the sand handling are controlled by a venturi scrubber. Particulate matter emissions from the induction furnaces, the saws and grinders, and the foundry operations are controlled by dust collectors. The facility is a Natural Minor. Potential emissions are as follows: PM 35.7 tpy; NO_x less than 1 tpy; SO_x less than 1 tpy; CO 3.5 tpy; VOC less than 1 tpy. The facility is subject to 40 CFR Part 63 Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries. This facility is also subject to 40 CFR Part 63 Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. The applicable requirements are added to this renewal. The renewal permit contains emission restrictions, record-keeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

09-00124: Fairless Energy, LLC (50 Energy Drive, Fairless Hills, PA 19030) On March 11, 2013, in Falls Township, **Bucks County**. The operating permit was amended to identify a change in Federal Employer Identification Number (FEIN) and a change of address. The physical location of the plant and all sources identified in the facility's Title V Operating Permit remain unchanged. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

38-05027: Pennsy Supply, Inc. (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105-3331) on March 14, 2013 for the Millard batch asphalt plant in North An-

nville Township, **Lebanon County**. The State-only permit was administratively amended to reflect a change of ownership.

06-05040: East Penn Manufacturing Co, Inc. (PO Box 147, Lyon Station, PA 19536) on March 12, 2013 for the modification of CAM baghouse differential pressure ranges for the secondary lead smelting facility in Richmond Township, **Berks County**. This was a significant modification of the Title V permit.

01-05004: GenOn Rema, LLC (121 Champion Way, Canonsburg, PA 15317-5817) on March 12, 2013 for the Hamilton electric generating station in Hamilton Township, **Adams County**. The State-only permit was administratively amended to modify company contact information.

01-05006: GenOn Rema, LLC (121 Champion Way, Canonsburg, PA 15317-5817) on March 14, 2013 for the Orrtanna electric generating station in Highland Township, **Adams County**. The State-only permit was administratively amended to modify company contact information.

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

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

TVOP-32-00055: Homer City Generation, LP (1750 Power Plant Road, Homer City PA 15748) In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on February 21, 2013 DEP issued an amended renewal Title V Operating Permit to Homer City Generation, LP to correct errors in the transferred TVOP previously issued on December 13, 2012. New owner is Homer City Generation, LP and new operator is NRG Homer City Services, LLC. The TVOP authorizes the continued operation of the Homer City Generating Station located in Center Township, **Indiana County**.

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

25-00946: PSB Industries Inc. (1202 West 12th Street, Erie PA 16501-1519), for its facility located in the City of Erie, **Erie County**. The de minimis emission increase is due to the addition of a new Siemens Wheelabrator Cartridge Dust Collector. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the May 1, 2009 effective date of State Only Permit #25-00946, PSB Industries Inc. has notified the Department of the following de minimis emission increases at the facility:

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
1-16-13	Wheelabrator blasting source.	0.45				
Total Reported Increases		0.45				
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 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

30841316. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** to install the 1L bleeder shaft and six boreholes. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Surface Acres Proposed 10.0. No additional discharges. The application was considered administratively complete on November 21, 2011. Application received November 5, 2010. Permit issued March 12, 2013.

56841310. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Solar No. 7 Mine in Quemahoning Township, **Somerset County** for a 2.29 acre post-mining land use change to industrial use from unmanaged natural habitat. No additional discharges. The application was considered administratively complete on May 9, 2007. Application received January 29, 2007. Permit issued March 11, 2013.

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

32120105 and NPDES No. PA0269123. Britt Energies, Inc., P. O. Box 515, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 117.3 acres. Receiving stream(s): unnamed tributary to Blacklick Creek to Conemaugh River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to conduct surface mining operations up to 25 feet within the barrier area of an unnamed tributary to Blacklick Creek. Application received September 19, 2012. Permit issued: March 4, 2013.

Permit No. 56120102 and NPDES No. PA0263419. Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552, commencement, operation and

restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 114.7 acres. Receiving stream(s): unnamed tributaries to Pickings Run; UTS to/and Coal Run classified for the following use(s): high quality cold water fishery; cold water fishery. The first downstream potable water supply intake from the point of discharge is Lincoln Municipal Authority - intake on North Branch of Quemahoning Creek. Application received January 12, 2012. Permit issued February 27, 2013.

32120104 and NPDES No. PA0269107. ABM Mining Company, Inc., 3330 Johnston Road, Smicksburg, PA 16256, commencement, operation and restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 36.0 acres. Receiving stream(s): unnamed tributary to/and Rairigh Run, unnamed tributary to/and Little Mahoning Creek classified for the following use(s): cold water fishery; high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to use and maintain an existing access road located within the 100' barrier north and upslope of the source of unnamed tributary to Rairigh Run No. 3. Application received July 20, 2012. Permit issued March 11, 2013.

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

10120101 and NPDES Permit No. PA0259292. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Clearfield Township, **Butler County** affecting 73.2 acres. Receiving streams: Unnamed tributary to Buffalo Creek and Buffalo Run. Application received: May 29, 2012. Permit Issued: March 13, 2013.

33120102 and NPDES Permit No. PA0259268. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Commencement, operation and restoration of a bituminous surface mine in Perry Township, **Jefferson County** affecting 232.0 acres. Receiving streams: Unnamed tributary to Rose Run and Rose Run, unnamed tributary to Mahoning Creek. Application received: March 26, 2012. Permit Issued: March 13, 2013.

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

17070117. Strishock Coal Company (P. O. Box 1006, DuBois, PA 15801), Renewal permit issued for reclamation only to an existing bituminous surface and auger mine in Knox Township, **Clearfield County**, affecting 172.8 acres. Receiving stream: Potts Run, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 21, 2013. Permit issued: March 11, 2013.

17840126 and NPDES No. PA0609781. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous surface mine from TDK Coal Sales, Inc. located in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving streams: Unnamed Tributary to Comfort Run and Comfort Run to North Witmer Run classified as Cold Water Fishes/Migratory Fish to Clearfield Creek classified for Warm Water Fishes/Migratory Fish to the West Branch of Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2011. Permit issued: March 8, 2013.

Noncoal Permits Actions

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

26972303, T & B Excavating, Inc. (P.O. Box 337, McClellandtown, PA 15458). Final bond release for a small noncoal mining operation in German Township, **Fayette County**. Restoration of 4.5 acres completed. Receiving streams: unnamed tributary to South Branch Browns Run. Application received: February 5, 2013. Final bond release approved: March 7, 2013.

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

42122801. Bradley A. Greenman (15 Lower Grimes Road, Port Allegany, PA 16743) Commencement, operation and restoration of a small industrial minerals mine in Liberty Township, **McKean County** affecting 5.0 acres. Receiving streams: Lillibridge Creek. Application received: May 4, 2012. Permit Issued: March 15, 2013.

42122801-GP-104. Bradley A. Greenman (15 Lower Grimes Road, Port Allegany, PA 16743) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 42122801 in Liberty Township, **McKean County**. Application received: May 4, 2012. Permit Issued: March 15, 2013.

43100302. Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120) Commencement, operation and restoration of a large industrial minerals mine in Jefferson Township, **Mercer County** affecting 52.1 acres. Receiving streams: Lackawannock Creek and unnamed tributary to Shenango River. Application received: December 16, 2010. Permit Issued: March 12, 2013.

43100302-GP-104. Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43100302 in Jefferson Township, **Mercer County**. Application received: December 16, 2010. Permit Issued: March 12, 2013.

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

08830301 and NPDES No. PA0608874. Dalrymple Gravel & Contracting Company, Inc. (2105 South Broadway, Pine City, NY 14871). Revision of an existing large noncoal (sand and gravel) permit to increase the active mine and drainage area adding new bond authorization and modify NPDES located in Athens Township, **Bradford County** affecting 324.8 acres. Receiving streams: Chemung River classified for Warm Water Fishes. There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices. Application received: November 5, 2012. Permit issued March 7, 2013.

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

03134003. Plum Contracting, Inc. (864 Croft Road, Greensburg, PA 15601). Blasting activity permit for highway construction at State Route 28 Section 164, located in Rayburn Township, **Armstrong County**. The duration of blasting is expected to last nine months. Blasting permit issued: March 14, 2013.

03134004. Bradys Bend Limestone Corp. (209 Cove Run Road, East Brady, PA 16028). Blasting activity permit for the construction of the slope remediation near portal 2 for the underground storage facility at Kalor Mine, located in East Brady Township, **Armstrong County**. The duration of blasting is expected to last nine months. Blasting permit issued: March 14, 2013.

02134001. Waste Management, Inc. (600 Thomas Street, Monroeville, PA 15146). Blasting activity permit for the construction of the Monroeville Landfill cell development, located in Monroeville Township, **Allegheny County**. The duration of blasting is expected to last one year. Blasting permit issued: March 14, 2013.

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

58134002. Brainard Explosives, LLC, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Gary Kilmer Lot Improvement in Lenox Township, **Susquehanna County** with an expiration date of March 31, 2014. Permit issued: March 12, 2013.

40134105. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Center Point in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2014. Permit issued: March 12, 2013.

40134106. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for blasting for Center Point West in Pittston Township, **Luzerne County** with an expiration date of March 31, 2014. Permit issued: March 12, 2013.

66134001. Brainard Explosives, LLC, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Harris Paving Expansion II in Lemon Township, **Wyoming County** with an expiration date of December 31, 2013. Permit issued: March 14, 2013.

52134103. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Michels Pipeline Construction Loop 323 in Milford Borough, Milford and Westfall Townships, **Pike County** with an expiration date of February 10, 2014. Permit issue: March 14, 2013.

58134117. Meshoppen Blasting, Inc., (P.O. Box 127, Meshoppen, PA 18630), construction blasting for Hinkley Compressor Station in Auburn Township, **Susquehanna County** with an expiration date of July 15, 2013. Permit issued: March 14, 2013.

23134103. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Somerset Development in Newtown Township, **Delaware County** with an expiration date of March 3, 2014. Permit issued: March 18, 2013.

67134104. Abel Construction Co., Inc., (PO Box 476, Mountville, PA 17554), construction blasting for Delta Ridge in Peach Bottom Township, **York County** with an expiration date of December 31, 2013. Permit issued: March 18, 2013.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E54-355. Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101-1013. West Brunswick Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall structure in the floodway of the Little Schuylkill River (CWF, MF) consisting of an 18-inch diameter pipe. The project is

located along SR 61 at Segment 0040, Offset 2658 (Auburn, PA Quadrangle Latitude: 40°36'05"; Longitude: -76°01'44").

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

E5729-049: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) and 2,463 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Colley, PA Quadrangle 41°31'16"N, 76°22'17"W);

2) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 202 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'21"N, 76°22'37"W);

3) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 197 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'21"N, 76°22'38"W);

4) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 117 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'21"N, 76°22'39"W);

5) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 4,082 square feet of a palustrine emergent (PEM) wetland (Dushore, PA Quadrangle 41°30'12"N, 76°24'19"W);

6) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 782 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'17"N, 76°24'31"W);

7) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 191 linear feet of an unnamed tributary to Payne Run (EV) and 806 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'17"N, 76°24'33"W);

8) A 16 inch diameter gathering line impacting 9 linear feet of an unnamed tributary to Payne Run (EV) (Dushore, PA Quadrangle 41°30'18"N, 76°24'36"W);

9) A temporary access road using timber mats and a 16 inch diameter gathering line impacting 5,939 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'59"N, 76°24'47"W);

10) A temporary access road using a timber mat bridge and a 16 inch diameter gathering line impacting 193 linear feet of Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'00"N, 76°24'50"W).

The project will result in 1,101 linear feet of temporary stream impacts, 14,072 square feet (0.32 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County. The permittee will provide 0.56 acre of compensatory mitigation at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford County.

ENVIRONMENTAL ASSESSMENTS

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

EA17-013. Lawrence Township Supervisors, P. O. Box 508, Clearfield, PA 16830. Stream Improvement Project in Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle Latitude: 41° 0' 56.4"; Longitude: -78° 28' 27.81").

The applicant proposes to treat an acid mine discharge by installing three limestone cells and a stabilized limestone channel within an existing eroded channel that discharges to the Montgomery Creek watershed via an unnamed tributary. This project will permanently impact 414 linear feet of stream through activities involved with cell construction and channel stabilization. Mitigation for stream impacts will be achieved through water quality improvements to the Montgomery Creek watershed. This approval, under Chapter 105, Section 105.12(a)(16) also includes 401 Water Quality Certification.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX13-131-0009
 Applicant Name PVR NEPA Gas Gathering, LLC
 Contact Person Nicholas Bryan
 Address 101 West Third Street
 City, State, Zip Williamsport, PA 17701
 County Wyoming County
 Township(s) Nicholson Township
 Receiving Stream(s) and Classification(s) Horton Creek & UNT to Monroe Creek (CWF/MF)

ESCGP-1 # ESX13-081-0013
 Applicant Name Anadarko E&P Onshore, LLC
 Contact Person Nathan S. Bennett
 Address 33 West Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) McIntyre Township
 Receiving Stream(s) and Classification(s) UNT Frozen Run, UNT Grays Run, Short Run (All HQ-CWF/MF);
 Secondary: Frozen Run, Grays Run (Both HQ-CWF/MF)

ESCGP-1 # ESX13-115-0021
 Applicant Name Southwestern Energy Production Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) Great Bend Township
 Receiving Stream(s) and Classification(s) Trowbridge Creek, UNT to Susquehanna River, UNT to Susquehanna River (All CWF)

ESCGP-1 # ESX12-081-0121 (02)
 Applicant Name PVR NEPA Gas Gathering, LLC
 Contact Person Nicholas Bryan
 Address 101 West Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming and Sullivan Counties
 Township(s) Shrewsbury Townships
 Receiving Stream(s) and Classification(s) UNT to Lake Run, Lake Run (Both EV/MF), UNT to Ogonia Creek (HQ-CWF)

ESCGP-1 # ESX13-115-0011
 Applicant Name Williams Field Services Company, LLC
 Contact Person Sandra Lojek
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108
 County Susquehanna County
 Township(s) Gibson Township
 Receiving Stream(s) and Classification(s) Tunkhannock Creek, Bear Swamp Creek, UNT to Idlewild Creek, Idlewild Creek (All CWF/MF);
 Secondary: Tunkhannock Creek, East Branch Tunkhannock Creek

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

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0063138003	National Fuel Gas Supply Corporation	Washington	Hopewell Township Mt. Pleasant Township	UNT to Cross Creek (HQ-WWF), South Fork Cross Creek (HQ-WWF)
0063138004	Columbia Gas of Pennsylvania	Washington	Cecil Township	Brush Run (WWF), Chartiers Creek (WWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX13-019-0011—Clouse Well Pad
Applicant XTO Energy
Contact Melissa Breitenbach
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Oakland(s)
Receiving Stream(s) and Classification(s) UNT's to Thorn Creek/ Connoquenessing Creek Watershed

ESCGP-1 #ESX12-019-0131—Nicodemus 1H & 2H
Applicant Chevron Appalachia LLC
Contact Timothy Botsford
Address 800 Mountain View Drive
City Smithfield State PA Zip Code 15748
County Butler Township(s) Washington(s)
Receiving Stream(s) and Classification(s) UNT to Bear Creek CWF, UNT to Silver Creek EV/ Allegheny River Watershed

ESCGP-1 #ESX12-019-0168—Walley Natural Gas Pipeline
Applicant Laurel Mountain Midstream. LLC
Contact Stephanie Ranker
Address 2620 Memorial Blvd, Suite A
City Connellsville State PA Zip Code 15425
County Butler Township(s) Concord, Fairview, Parker, and Washington(s)
Receiving Stream(s) and Classification(s) Tributaries 49190, 49492, 49193, 49195, & 49196 to Bear Creek (CWF). Tributary 49172 to Silver Creek (HQ-CWF). Bear Creek (CWF), Silver Creek (HQ-CWF)

ESCGP-1 #ESX13-083-0005—Well Pad WT 3087 Roadway Improvements
Applicant Shell Appalachia
Contact H. James Sewell
Address 717 Lambs Creek Road
City Mansfield State PA Zip Code 16933 County McKean Township(s) Wetmore and Hamlin(s)
Receiving Stream(s) and Classification(s) Blacksnake Run, Meade Run, and Windfall Run

ESCGP-1 #ESX13-053-0003—Warrant 5109 Well Unit 1402
Applicant SWEPI LP
Contact H. James Sewell
Address 190 Thorn Hill Road
City Warrendale State PA Zip Code 15086
County Forest Township(s) Kingsley and Howe(s)
Receiving Stream(s) and Classification(s) Two Mile Run, Four Mile Run, Salmon Creek, The Branch, CWF, Salmon Creek, Tionesta Creek, Allegheny River

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the

appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 015-22570-00-00
Well Farm Name Alvarez BRA 1H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Wilmot Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Jenningsville, Sugar Run Creek.

Well Permit #: 015-22556-00-00
Well Farm Name Alvarez BRA 2H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Mr. Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Wilmot Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Jenningsville, Sugar Run Creek.

Well Permit #: 015-22567-00-00
Well Farm Name Lambs Farm BRA 5H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Smithfield Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Ulster, Browns Creek.

Well Permit #: 115-21027-00-01
Well Farm Name Freitag 3H (RU 45)
Applicant Name: Southwestern Energy Production Company
Contact Person: Mr. John R. Nicolas
Address: 2350 N. Sam Houston Parkway, East, Houston, TX 77032
County: Susquehanna
Municipality Jackson Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Susquehanna, PA-NY, Butler Creek DWF which is tributary to the Butler Creek CWF.

Well Permit #: 115-21162-00-01
 Well Farm Name Keenan West 56 2H
 Applicant Name: WPX Energy Appalachia, LLC.
 Contact Person: David R. Freudenrich
 Address: 6000 Town Center Blvd Ste 300, Canonsburg,
 PA 15317-5838

County: Susquehanna

Municipality Forest Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Friendsville, Wyalusing Creek.

Well Permit #: 115-21163-00-00

Well Farm Name Keenan West 56 4H
 Applicant Name: WPX Energy Appalachia, LLC.
 Contact Person: David R. Freudenrich
 Address: 6000 Town Center Blvd, Ste 300, Canonsburg,
 PA 15317-5838

County: Susquehanna

Municipality Forest Lake Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Friendsville, Wyalusing Creek.

Well Permit #: 115-21164-00-00

Well Farm Name Keenan West 56 6H
 Applicant Name: WPX Energy Appalachia, LLC.
 Contact Person: David R. Freudenrich
 Address: 6000 Town Center Blvd, Ste 300, Canonsburg,
 PA 15317-5838

County: Susquehanna

Municipality Forest Lake Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Friendsville, Wyalusing Creek.

SPECIAL NOTICES

DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

Special Notice Under the Federal Safe Drinking Water Act (SDWA) (42 U.S.C.A. §§ 300f, et. seq.)

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Clearfield Municipal Authority	107 East Market Street Clearfield PA 16830	Clearfield

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Clearfield Municipal Authority proposes to construct three water storage tanks, approximately 11,000 feet of water line and a pump station. In addition, the authority plans to replace 5,670 water meters. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse

environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 13-572. Filed for public inspection March 29, 2013, 9:00 a.m.]

Availability of Technical Guidance

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

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance—Minor Revision

DEP ID: 385-4000-002. *Title:* Field Order Instruction Manual for the Clean Water Program. *Description:* This policy provides minor amendments to the existing guidance regarding the Field Order Instruction Manual for Water Quality Operations. Minor revisions were made to incorporate the new bureau name with responsibility for the document and references to older regulations. Two forms (3800-FM-BPNPSM0017a and b) within the document were also inserted to incorporate the latest forms with the new bureau name.

Contact: Questions regarding this action should be directed to Theia Hofstetter at thhofstett@pa.gov or (717) 783-8394.

Effective Date: March 30, 2013.

Final Technical Guidance—Substantive Revision

DEP ID: 394-2000-001. *Title:* Municipal Reference Document: Guidance for the Implementation of the Chapter 85 Bluff Recession and Setback Regulations. *Description:* The Bluff Recession and Setback Act of 1980 (BRSA) and regulations at 25 Pa. Code Chapter 85 (relating to bluff recession and setback) establish the Lake Erie bluff setback program. Lake Erie bluff setbacks are designated within formally established Bluff Recession Hazard Areas, which are implemented and enforced, with Department oversight, by the local municipalities along the Lake Erie shoreline. Chapter 85 of 25 Pa. Code was revised by the Environmental Quality Board in 2009 and the BRSA was amended by the Pennsylvania General Assembly through

Act 72 of 2011. This revised technical guidance document reflects these recent changes and provides more comprehensive, narrative-style guidance for municipalities and bluff landowners on the implementation of the Lake Erie Bluff Recession and Setback program. This technical guidance document was published as draft at 42 Pa.B. 3026 (May 26, 2012) for a 30-day public comment period from May 26, 2012, through June 25, 2012. Sixteen comments were received from one commentator. Revisions to the draft technical guidance document resulting from the public comments are described in the accompanying Comment and Response Document.

Contact: Questions regarding this action should be directed to Matt Walderon at mwalderon@pa.gov or (717) 772-2196.

Effective Date: March 30, 2013.

DEP ID: 383-2127-103. *Title:* Permitting of Bulk Water Hauling Systems Guidance. *Description:* This guidance document establishes procedures that the Department staff will follow in the implementation of permitting activities for bulk water hauling systems. Recognizing that the number of bulk water hauling customers is more likely to vary from year to year than those served by a piped system, discretion in maintaining a bulk water hauling permit is provided to account for systems that may periodically drop below the required number of connections or people served. This technical guidance document was published as draft at 42 Pa.B. 6344 (October 6, 2012) for a 30-day public comment period from October 6, 2012, through November 5, 2012. No comments were received. Minor edits were made to the Draft Guidance document for clarity. Under Section 1 Permit Application on page 1; the phrase construction and operation on the first sentence was replaced with "public water system." Under Section 3 Permit Fee on page 3; the last sentence was rewritten to "No permit fee is required for a minor permit amendment." Under Section 9 Monitoring Requirements; the last paragraph was rewritten to "Bulk water haulers that obtain finished water from an out-of-state public water supply source must submit to the Department a copy of acceptable analytical results of compliance monitoring conducted by the public water system supplying the source water."

Contact: Questions regarding this action should be directed to Godfrey Maduka at gomaduka@pa.gov or (717) 787-9633.

Effective Date: March 30, 2013.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 13-573. Filed for public inspection March 29, 2013, 9:00 a.m.]

Mine Families First Response and Communications Advisory Council Meeting Cancellation

The April 23, 2013, meeting of the Mine Families First Response and Communications Advisory Council has been postponed to a later date in 2013.

Questions concerning the meetings can be directed to Allison D. Gaida at (724) 439-7289 or agaida@pa.gov.

The agenda and meeting materials for the next meeting, once scheduled, will be available through the Public Participation Center on the Department of Environmental

Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 13-574. Filed for public inspection March 29, 2013, 9:00 a.m.]

Proposed Revision to the State Implementation Plan to Update the Motor Vehicle Emissions Budgets in the Reading Eight-Hour Ozone Maintenance Area; Public Hearing

The Department of Environmental Protection (Department) is revising the Motor Vehicle Emissions Budgets (MVEBs) for the Reading Area Eight-Hour Ozone Maintenance Area (Reading Area). The revised budgets, once approved by the United States Environmental Protection Agency (EPA), will expedite future transportation planning for the Reading Area. The Department will submit this to the EPA as a final revision to the State Implementation Plan (SIP). The EPA developed a new computer model, the Motor Vehicle Emissions Simulator, that estimates emissions from highway vehicles more accurately. The approved maintenance plan for the Reading Area used the former EPA-approved model, Mobile6, for estimating highway vehicle emissions. Emissions of oxides of nitrogen are estimated to be at higher levels by the new model than what was approved in the original maintenance plan. The transportation conformity regulation requires that emissions from updated local transportation improvement plans do not exceed the MVEBs in the area's approved, applicable SIP. By using similar modeling in transportation planning and the SIP, a more realistic comparison between the two will result with less chance of transportation projects being delayed.

This proposal is available on the Department's web site at www.dep.state.pa.us (choose "Air Plans") or through the contact persons listed.

The Department is seeking public comment on this SIP revision and changes made to the motor vehicle emissions budget in the 1997 Eight-Hour Ozone Maintenance Plan for the Reading Area. The Department will hold a public hearing to receive comments on the proposal on Tuesday, April 30, 2013, at 10 a.m. in Room Susquehanna A, South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Persons wishing to present testimony at the hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or alehaas@pa.gov to reserve a time. If, by April 25, 2013, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. The Department will notify the public if the hearing is cancelled on the Bureau of Air Quality web page at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or alehaas@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than April 30, 2013. Written comments should be sent to the attention of Chris Trostle, Mobile Sources Section Chief, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or dtrostle@pa.gov. Use "Reading MVEB Revision" as the subject line in written communication.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 13-575. Filed for public inspection March 29, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Pinnacle Health at Harrisburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health at Harrisburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.6.2.2 and 2.2-2.6.6.11(2)(b) (relating to space requirements for patient rooms; and equipment storage space).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-576. Filed for public inspection March 29, 2013, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

South Fayette Nursing Center
252 Main Street
P. O. Box 298
Markleysburg, PA 15459

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Clepper Manor
959 East State Street
Sharon, PA 16146
FAC ID 032902

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-577. Filed for public inspection March 29, 2013, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Disproportionate Share and Supplemental Hospital Payments

The Department of Public Welfare (Department) is providing final notice of its allocation of funding for Fiscal Year (FY) 2012-2013 for several disproportionate share hospital (DSH) and supplemental hospital payments made to qualifying Medical Assistance (MA) enrolled hospitals.

The Department published notice of its intent to allocate funding for these DSH and supplemental hospital payments made to qualifying MA enrolled hospitals at 42 Pa.B. 6047 (September 22, 2012). The Department received no public comments during the 30-day comment period, and is implementing the changes as described in its notice of intent.

Background

During FY 2010-2011, the Department implemented modifications to certain existing DSH and supplemental payments and established several new DSH and supplemental payments to hospitals using revenues from the Quality Care Assessment Account. Specifically, the Department modified its payment methodologies for inpatient DSH and outpatient supplemental and Direct Medical Education (DME) payments. In addition, the Department implemented a new class of DSH payments for small and sole community hospitals and new classes of supplemental payments consisting of MA Dependency payments, MA Rehabilitation adjustment payments, MA Stability payments and Enhanced payments to certain DSHs. The Department is funding these DSH and supplemental payments for FY 2012-2013 as follows:

Funding Allocations

The funds for these DSH and supplemental payments are allocated from the Commonwealth's FY 2012-2013 budget and the anticipated revenues from the Quality Care Assessment.

Inpatient DSH

For FY 2012-2013, the Department is allocating \$40.410 million in State general funds for inpatient DSH with the aggregate amount of inpatient DSH payments not to exceed \$88.769 million in total funds. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this DSH payment.

Outpatient Supplemental Payments

For FY 2012-2013, the Department is allocating \$27.489 million in State general funds for outpatient supplemental payments with the aggregate amount of outpatient supplemental payments not to exceed \$60.386 million in total funds. This allocation maintains funding for this payment at the same level of funding allocated to this payment for FYs 2010-2011 and 2011-2012. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this supplemental payment.

DME Payments

For FY 2012-2013, the Department is allocating \$55.348 million in State general funds for DME payments with the aggregate amount of the DME payments not to exceed \$121.585 million in total funds. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this supplemental payment.

MA Stability Payments

For FY 2012-2013, the Department is allocating \$151.444 million (\$69.240 million in State general funds)

for this supplemental payment. This allocation maintains funding for this payment at the same level of funding allocated to the MA Stability payment for FYs 2010-2011 and 2011-2012. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this supplemental payment.

MA Dependency Payments

For FY 2012-2013, the Department is allocating \$11.564 million (\$5.287 million in State general funds) for this supplemental payment. This allocation maintains funding for this payment at the same level of funding allocated to the MA Dependency payment for FYs 2010-2011 and 2011-2012. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this supplemental payment.

MA Rehabilitation Adjustment Payments

For FY 2012-2013, the Department is allocating \$18.619 million (\$8.513 million in State general funds) for this supplemental payment. This allocation maintains funding for this payment at the same level of funding allocated to the MA Rehabilitation Adjustment payment for FYs 2010-2011 and 2011-2012. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this supplemental payment.

DSH Payments to Small and Sole Community Hospitals

For FY 2012-2013, the Department is allocating \$58.893 million (\$26.926 million in State general funds) for this DSH payment. This allocation maintains funding for this payment at the same level of funding allocated to this DSH payment to Small and Sole Community Hospitals for FYs 2010-2011 and 2011-2012. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this DSH payment.

Enhanced Payments to Certain DSHs

For FY 2012-2013, the Department is allocating \$24.661 million (\$11.275 million in State general funds) for this supplemental payment. This allocation maintains funding for this payment at the same level of funding allocated for this payment for FYs 2010-2011 and 2011-2012. The Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for this supplemental payment.

Fiscal Impact

The FY 2012-2013 fiscal impact, as a result of these payments is \$535.922 million (\$244.489 million in State general funds and \$291.433 million in Federal funds).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-811. (1) General Fund:

	<i>MA—Inpatient</i>	<i>MA—Outpatient</i>
(2) Implementing Year 2012-13 is	\$216,999,000	\$27,489,000
(3) 1st Succeeding Year 2013-14 is	\$0	\$0
2nd Succeeding Year 2014-15 is	\$0	\$0
3rd Succeeding Year 2015-16 is	\$0	\$0
4th Succeeding Year 2016-17 is	\$0	\$0
5th Succeeding Year 2017-18 is	\$0	\$0

	<i>MA—Inpatient</i>	<i>MA—Outpatient</i>
(4) 2011-12 Program—	\$325,685,000	\$645,095,000
2010-11 Program—	\$243,809,000	\$467,929,000
2009-10 Program—	\$371,515,000	\$435,939,000

(7) MA—Inpatient and MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-578. Filed for public inspection March 29, 2013, 9:00 a.m.]

Medical Assistance Program Fee Schedule Updates

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule.

Fee Schedule Revisions

In implementing the 2012 Healthcare Common Procedural Coding System updates to the MA Program Fee Schedule, the Department added incorrect purchase (NU) and rental (RR) fees for procedure code K0606. This procedure code was added to the MA Program Fee Schedule as a result of numerous Program Exception requests. The Department has revised the MA Program Fee Schedule fees for procedure code K0606 as follows:

<i>Procedure Code</i>	<i>Procedure Description</i>	<i>Pricing Modifier</i>	<i>Current MA Fee</i>	<i>Revised MA Fee</i>
K0606	Automatic external defibrillator, with integrated electrocardiogram analysis, garment type	NU	\$2,449.26	\$21,639.50
K0606	Automatic external defibrillator, with integrated electrocardiogram analysis, garment type	RR	\$244.93	\$2,163.95

The Department will reprocess provider claims submitted for dates of service on and after June 25, 2012, to pay the revised MA fees. The Department will issue an MA Bulletin to providers notifying them of these fee revisions and the reprocessing of claims.

Fiscal Impact

For Fiscal Year (FY) 2012-2013 these changes are expected to result in increased costs of \$0.291 million (\$0.158 million in State funds). The estimated cost for FY 2013-2014 is \$0.218 million (\$0.117 million in State 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 30 days will be reviewed and considered for any subsequent revisions of the MA Program Fee Schedule.

Persons with a disability who require 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-809. (1) General Fund; (2) Implementing Year 2012-13 is \$158,000; (3) 1st Succeeding Year 2013-14 is \$117,000; 2nd Succeeding Year 2014-15 is \$117,000; 3rd Succeeding Year 2015-16 is \$117,000; 4th

Succeeding Year 2016-17 is \$117,000; 5th Succeeding Year 2017-18 is \$117,000; (4) 2011-12 Program—\$645,095,000; 2010-11 Program—\$467,929,000; 2009-10 Program—\$435,939,000; (7) MA—Outpatient; (8) recommends adoption. The MA—Outpatient appropriation is able to absorb the increased cost.

[Pa.B. Doc. No. 13-579. Filed for public inspection March 29, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, April 12, 2013, at 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Laura Krol at (717) 783-4534 by Friday, April 5, 2013. These concerns will be discussed during "Items from the Floor" on the agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Laura Krol at (717)

783-4534 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-580. Filed for public inspection March 29, 2013, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

**New Castle Sanitation Authority v. DEP; EHB Doc.
No. 2013-032-B**

New Castle Sanitation Authority has appealed the issuance by the Department of Environmental Protection of a renewal NPDES permit to New Castle Sanitation Authority for a facility in New Castle City, Lawrence County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 13-581. Filed for public inspection March 29, 2013, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
11-249	Insurance Department Requirements for Qualified and Certified Reinsurers	3/18/13	4/18/13

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-582. Filed for public inspection March 29, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Reliant PennMed Holdings, LLC

Reliant PennMed Holdings, LLC has applied for a Certificate of Authority to operate four Continuing Care Retirement Communities at Denver Health and Rehabilitation Center in Stevens, PA, at Evergreen Health and Rehabilitation Center in Harmony, PA, at Overlook Health and Rehabilitation Center in New Wilmington, PA and at Twin Oaks Health and Rehabilitation Center in Campbelltown, PA. The initial filing was received on March 19, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and tele-

phone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syeger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-583. Filed for public inspection March 29, 2013, 9:00 a.m.]

Export List of Insurance Coverages; Request for Comments

The Insurance Commissioner (Commissioner) published a notice at 43 Pa.B. 788 (February 2, 2013) soliciting comments to the export list published at 42 Pa.B. 2571 (May 12, 2012). Consideration was given to all comments received.

The Commissioner proposes to amend the May 12, 2012, list as following:

Add

- Nightclubs
- Title Insurance Agents Errors and Omissions

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the May 12, 2012, list remains in effect.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-584. Filed for public inspection March 29, 2013, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Rate Increase Filing for Several LTC Forms

State Farm Mutual Automobile Insurance Company is requesting approval to increase the premium an aggregate 32% on 1,130 policyholders with forms 97058 and 99572—99574.

Unless formal administrative action is taken prior to June 12, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-585. Filed for public inspection March 29, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificates of Public Convenience

A-2013-2353647, A-2013-2353649 and A-2013-2353651. Peoples Natural Gas Company, LLC,

Peoples TWP, LLC and Equitable Gas Company, LLC. Joint application of Peoples Natural Gas Company, LLC, Peoples TWP, LLC and Equitable Gas Company, LLC for all of the authority and the necessary certificates of public convenience: 1) to transfer all of the issued and outstanding limited liability company membership interest of Equitable Gas Company, LLC to PNG Companies, LLC; 2) to merge Equitable Gas Company, LLC with Peoples Natural Gas Company, LLC; 3) to transfer certain storage and transmission assets of Peoples Natural Gas Company, LLC to affiliates of EQT Corporation; 4) to transfer certain assets between Equitable Gas Company, LLC and affiliates of EQT Corporation; 5) for approval of certain ownership changes associated with the transaction; 6) for approval of certain associated gas capacity and supply agreements; and 7) for approval of certain changes in the tariff of Peoples Natural Gas 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 April 15, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us and at the applicant's business address.

Applicants: Peoples Natural Gas Company, LLC, Peoples TWP, LLC, Equitable Gas Company, LLC

Through and By Counsel: For Peoples Natural Gas Company, LLC and Peoples TWP, LLC: Michael W. Gang, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

For Equitable Gas Company, LLC: John F. Povilaitis, Esquire, Alan M. Seltzer, Esquire, Buchanan Ingersoll & Rooney, PC, 409 North Second Street, Suite 500, Harrisburg, PA 17101-1357

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-586. Filed for public inspection March 29, 2013, 9:00 a.m.]

Natural Gas Service

Application of Able Co., Ltd. for Approval of the Abandonment or Discontinuance of Gas Service in Sugar creek Township, Armstrong County; Doc. No. A-2013-2352721

Pennsylvania Public Utility Commission v. Able Co., Ltd.; Doc. No. C-20042415
Able Co., Ltd.; Doc. No. A-120025

Consistent with Ordering Paragraph No. 3 in the Pennsylvania Public Utility Commission's (Commission) Enforcement Order at C-20042415 entered December 5, 2012, Able Co., Ltd. filed on March 11, 2013, an application to abandon natural gas distribution services for all 11 retail customers it serves in Sugar creek Township, Armstrong County. The Secretary's Bureau is, therefore, providing notice to all interested parties of a 15-day comment period from the date of publication in the *Pennsylvania Bulletin*. A copy of the application may be found on the Commission's

web site at www.puc.pa.gov, use the Doc. No. A-2013-2352721 after clicking on the "Search for Documents" link on the home page.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-587. Filed for public inspection March 29, 2013, 9:00 a.m.]

Railroad Crossing With Hearing

A-2009-2132946. Department of Transportation. Application of the Department of Transportation for the approval to replace the existing superstructure of the bridge carrying SR 0462 over the single track of the Norfolk Southern Railway Company (DOT No. 517 596 W) in Mountville Borough, Lancaster County; and the allocation of the costs incident thereto.

Initial and further hearings on this matter will be held on Wednesday, May 29, 2013, and Thursday, May 30, 2013, at 10 a.m. in Hearing Room 2, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, when and where all persons may appear and be heard, if they so desire.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-588. Filed for public inspection March 29, 2013, 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 April 15, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2012-2336062. Francis C. Williams (1620 Forbes Avenue, Pittsburgh, Allegheny County, PA 15219)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the City of Pittsburgh in Allegheny and Allegheny County, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2012-2338278. People Serving People Enterprises (900 South Arlington Avenue, Suite 111B, Harrisburg, PA 17109) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit

service, who desire transportation to and/or from their place of employment, between points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon, Northumberland, Perry, Schuylkill, Snyder and York to points in Pennsylvania, and return.

A-2012-2339760. DNX Transportation, Inc., t/a Latino Xpress (679 South Church Street, Hazleton, Luzerne County, PA 18201)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Luzerne County, to points in Pennsylvania, and return.

A-2012-2339762. Metropolitan Emergency Services, LLC (217 Jacks Run Road, Pittsburgh, PA 15237) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons who have a need for wheelchair or stretcher van, from points in Allegheny County, to points in Pennsylvania, and return.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods as described under the application.

A-2012-2339561. Charles E. Groff & Sons, Inc. (1284 Cloverleaf Road, Mount Joy, Lancaster County, PA 17552)—a corporation of the Commonwealth of Pennsylvania, for the amendment to its certificate which grants the right to transport, as a motor common carrier, household goods in use; *So as to Permit* the transportation of household goods in use between points in the Township of Mount Joy, Lancaster County, and within a radius of 75 air miles of said township, to points in Pennsylvania, and vice versa. *Attorney:* Richard T. Mulcahey, Jr., Schubert, Gallagher, Tyler & Mulcahey, Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-589. Filed for public inspection March 29, 2013, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due April 15, 2013, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Sharon J. Satterfield t/a Y.E.S. Express; Doc. No. C-2012-2339981

COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against Sharon J. Satterfield t/a Y.E.S. Express ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Sharon J. Satterfield t/a Y.E.S. Express and maintains its principal place of business at 70 West Prospect Avenue, Washington, PA 15301, Attention: Sharon J. Satterfield.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 30, 1998, at A-00115473, for trucking authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

2010-2011 Fiscal Year

12. On or about February 15, 2010, the Commission mailed to Respondent an assessment report form for Respondent to report its 2009 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2010.

14. Respondent failed to file an assessment report to show its 2009 calendar year revenues.

15. On or about September 9, 2010, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2009 calendar year. Respondent's assessment was \$13.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The Commission received no objections from Respondent to the 2010-2011 Fiscal Year Assessment.

18. Respondent failed to pay the amount set forth in its 2010-2011 Fiscal Year Assessment.

2011-2012 Fiscal Year

19. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

20. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

21. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

22. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$12.

23. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

24. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

25. Respondent failed to pay the amount set forth in its 2011-2012 Fiscal Year Assessment.

26. The total outstanding assessment balance for Respondent is \$25.

Violations

COUNT 1

27. That Respondent, by failing to file assessment reports to demonstrate its gross intrastate operating revenues for the 2009 and 2010 calendar years violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$100.

COUNT 2

28. That Respondent, by failing to pay the Commission's assessments for two (2) fiscal years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$3 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$128, which consists of its outstanding assessment balance, which totals \$25 and a civil penalty of \$103 for the above-described violations.

(b) If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: December 21, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 21, 2012

Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Deluxe Delivery
Service, Inc.; Doc. No. C-2012-2339962*

COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against Deluxe Delivery Service, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Deluxe Delivery Service, Inc. and maintains its principal place of business at 35 East First Street, East Stroudsburg, PA 18301, Attention: Thomas Terracino, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 13, 2002, at A-00116186, for trucking authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year. Respondent's assessment was \$736.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

15. Respondent failed to pay this assessment and has an outstanding balance of \$736.

Violation

16. That Respondent, by failing to pay the Commission's assessment, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$110 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be ordered to pay a total of \$846, which consists of its outstanding assessment balance, which totals \$736 and a civil penalty of \$110 for the above-described violation.

(b) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order that cancels the Certificate of Public Convenience issued to Respondent;

(2) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(3) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: December 19, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of

my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 19, 2012

Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. P&N Transportation and Leasing t/a Service Truck Lines;
Doc. No. C-2012-2339668

COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against P&N Transportation and Leasing t/a Service Truck Lines ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is P&N Transportation and Leasing t/a Service Truck Lines and maintains its principal place of business at 5 Pinedale Industrial Road, Orwigsburg, PA 17961, Attention: Paula Brensinger, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 26, 1997, at A-00113976, for trucking authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and

determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$328.

16. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

17. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

18. Respondent failed to pay this assessment and has an outstanding balance of \$328.

Violations

COUNT 1

19. That Respondent, by failing to file an assessment report to its gross intrastate operating revenues for the 2010 calendar year violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

COUNT 2

20. That Respondent, by failing to pay the Commission's assessment, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this

instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$45 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(c) Respondent be ordered to pay a total of \$1,373, which consists of its outstanding assessment balance, which totals \$328 and a civil penalty of \$1,045 for the above-described violations.

(d) If payment of the civil penalty and assessment is not made, the Bureau of Investigation and Enforcement requests that:

(4) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(5) the Commission certify automobile registrations to the Department of Transportation for suspension or revocation; and

(6) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: December 19, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 19, 2012

Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. American Telecharge, Inc.; Doc. No. C-2012-2339672

COMPLAINT

Now Comes the Pennsylvania Public Utility Commission's ("Commission"), Bureau of Investigation and Enforcement ("I&E"), by its counsel, and files this Complaint against American Telecharge, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is American Telecharge, Inc. and maintains its principal place of business at P. O. Box 7310, Dallas, TX 75209, Attention: Frank McGovern, President.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 22, 2004, at A-311287, for competitive local exchange carrier authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying or transmitting messages or communications by telephone for the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

2010-2011 Fiscal Year

12. On or about September 9, 2010, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2010 to June 30, 2011 Fiscal Year. Respondent's assessment was \$21.

13. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

14. The Commission received no objections from Respondent to the 2010-2011 Fiscal Year Assessment.

15. Respondent failed to pay the amount set forth in its 2010-2011 Fiscal Year Assessment.

2011-2012 Fiscal Year

16. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

17. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

18. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

19. On or about September 14, 2011, the Commission sent Respondent, through certified mail, an assessment invoice for the July 1, 2011 to June 30, 2012 Fiscal Year that was based, in part, on Respondent's estimated revenues for the 2010 calendar year. Respondent's assessment was \$28.

20. Accompanying the assessment invoice was a notice that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days.

21. The Commission received no objections from Respondent to the 2011-2012 Fiscal Year Assessment.

22. Respondent failed to pay the amount set forth in its 2011-2012 Fiscal Year Assessment.

23. The total outstanding assessment balance for Respondent is \$49.

Violations

COUNT 1

24. That Respondent, by failing to file an assessment report to demonstrate its gross intrastate operating revenues for the 2010 calendar year violated Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b).

The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$50.

COUNT 2

25. That Respondent, by failing to pay the Commission's assessments for two (2) fiscal years, violated Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c).

Pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), the Bureau of Investigation and Enforcement submits that each day the assessment is late may be considered a separate violation and that, pursuant to Section 3301(a) and (b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)—(b), a maximum civil penalty of \$1,000 per day for each day that the assessment is late could be levied against Respondent. Such a civil penalty, in this instance, would exceed the assessment amount that Respondent owes. Therefore, the Bureau of Investigation and Enforcement recommends that the Commission impose a civil penalty in the amount of \$7 or 15% of the outstanding amount due. The Bureau submits that this amount is both equitable and sufficiently large enough to deter future violations.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

H. Respondent be ordered to pay a total of \$106, which consists of its outstanding assessment balance, which totals \$49 and a civil penalty of \$57 for the above-described violations.

I. If payment of the civil penalty and assessments is not made, the Bureau of Investigation and Enforcement requests that:

(7) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent; and

(8) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: December 19, 2012

VERIFICATION

I, Susan A. Daub, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 19, 2012

Susan A. Daub, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense and must include the docket number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Additionally, you must serve a copy on:

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty set forth in the Complaint.

C. You may elect not to contest this Complaint by paying the civil penalty and your outstanding assessment within 20 days. Your check or money order for the civil penalty and assessment should be payable to the Commonwealth of Pennsylvania and should be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. See 52 Pa. Code §§ 1.21—1.22.

G. Alternative formats of this material are available for persons with disabilities by contacting the Pennsylvania Public Utility Commission at 717-787-5620.

ROSEMARY CHIAVETTA,
 Secretary

[Pa.B. Doc. No. 13-590. Filed for public inspection March 29, 2013, 9:00 a.m.]

Telecommunications

A-2013-2353306. Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and NPCR, d/b/a Nextel Partners. Joint petition of Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and NPCR, d/b/a Nextel Partners for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and NPCR, d/b/a Nextel Partners, by its counsel, filed on March 18, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and NPCR, d/b/a Nextel Partners joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
 Secretary

[Pa.B. Doc. No. 13-591. Filed for public inspection March 29, 2013, 9:00 a.m.]

Telecommunications

A-2013-2353286. Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and Sprint Spectrum, LP. Joint petition of Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and Sprint Spectrum, LP for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and Sprint Spectrum, LP, by its counsel, filed on March 18, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Commonwealth Telephone Company, LLC, d/b/a Frontier Communications and Sprint Spectrum, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
 Secretary

[Pa.B. Doc. No. 13-592. Filed for public inspection March 29, 2013, 9:00 a.m.]

Transportation Complaint

Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v. Steven J. Butts; Transportation Complaint C-2012-2325083

An initial hearing on the previously-captioned case will be held as follows:

Date: Thursday, May 16, 2013
Time: 10 a.m.
Location: Hearing Room 2
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Presiding: Administrative Law Judge Susan Colwell
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 (717) 787-1399
 Fax: (717) 787-0481

Attention: Individuals may lose the case if they do not come to this hearing and present facts on the issues raised.

For individuals who intend to file exhibits, two copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or

subdivision) must be represented by an attorney. An attorney representing individuals should file a Notice of Appearance before the scheduled hearing date.

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
 - Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988
- ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-593. Filed for public inspection March 29, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Application for Airport Transfer Service in the City of Philadelphia

An application has been received by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant for permanent or temporary authority to transport, as a common carrier on a nonexclusive, scheduled basis persons and their luggage in airport transfer service, by the holder of a certificate of public convenience issued by the PPA. Trips will originate or terminate at an airport, railroad station or hotel located in whole or part in Philadelphia.

Park Avenue Luxury Limosine Service, Inc., 4206 B Old Lincoln Highway, Trevose, PA 19053, registered with the Commonwealth on October 26, 1987.

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 April 15, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 13-594. Filed for public inspection March 29, 2013, 9:00 a.m.]

Motor Carrier Application for Luxury Limousine Service in the City of Philadelphia

An application has been received by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant for permanent authority to transport, as a common carrier, persons in luxury limousine service on an exclusive basis, between points in the City and County of Philadelphia, and from points in the City and County of Philadelphia to points in Pennsylvania and from points in Pennsylvania to the City and County of Philadelphia.

Atlantis Limousine Service, LLC, 1220 Chester Pike, Sharon Hill, PA 19079, registered with the Commonwealth on December 5, 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 April 15, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 13-595. Filed for public inspection March 29, 2013, 9:00 a.m.]

STATE BOARD OF EDUCATION

Application of the Porter Township Initiative Independent School District for Transfer from the East Stroudsburg Area School District to the Wallenpaupack Area School District

Notice of Public Hearing

Notice is hereby given that the Special Committee of the State Board of Education (Board) established to facilitate the Board's consideration of the Application of the Porter Township Initiative Independent School District (Porter Township) to transfer from the East Stroudsburg Area School District (East Stroudsburg) to the Wallenpaupack Area School District (Wallenpaupack) will conduct a public hearing on May 16-17, 2013. The hearing will be held in the library of East Stroudsburg High School North, 279 Timberwolf Drive, Dingmans Ferry, PA 18328. On Thursday, May 16, 2013, the hearing will convene at 1 p.m. and on Friday, May 17, 2013, the hearing will reconvene at 9 a.m.

At its public meeting on January 9, 2013, the Special Committee of the Board voted to accept the following documents to comprise the prehearing record on which the Board partially will base its ruling: the determination on Porter Township issued by Secretary of Education Ron

Tomalis; the administrative record compiled by the Secretary; and the stipulated court record agreed to by the parties involved in the proceedings. The purpose of the hearing is to receive additional evidence from Porter Township, East Stroudsburg and Wallenpaupack for the Board's consideration in making a determination on the application for transfer. Copies of the application for transfer and related materials are available on the Board's web site at www.education.state.pa.us, and copies of the stipulated court record are available for public inspection in the Board office.

Following the conclusion of evidentiary proceedings on Friday, May 17, 2013, the Board will provide an opportunity for comment from members of the public who wish to provide remarks on the application for transfer. Public comment is limited to no more than 5 minutes per person. Individuals wishing to comment at the public hearing must register in advance, no later than Wednesday, May 1, 2013, at 4 p.m. Persons with disabilities are invited to submit public comments in alternative formats such as Braille or taped testimony and by means of the telephone. Written and alternative formats of public comment will be afforded the same thoughtful consideration by the Board as oral remarks.

Individuals with disabilities needing special accommodations to participate or attend the hearing, such as sign language interpreter services, must contact the Board office at the previously listed telephone number by Wednesday, May 1, 2013, at 4 p.m. Persons with disabilities are invited to submit public comments in alternative formats such as Braille or taped testimony and by means of the telephone. Written and alternative formats of public comment will be afforded the same thoughtful consideration by the Board as oral remarks.

Should registrants scheduled to provide public comment need to cancel their participation, the Board requests that they immediately notify the Board office by calling (717) 787-3787 or by e-mailing ra-stateboardofed@pa.gov.

Members of the public planning to attend the hearing should enter the facility through the high school's Gym/Library entrance, which is accessible by making the first right turn on campus and proceeding to the second parking area (second left). Hearing attendees should inform school security officers present at the Gym/Library entrance that they are there to attend the Porter Township hearing in the library.

KAREN MOLCHANOW,
Executive Director

[Pa.B. Doc. No. 13-596. Filed for public inspection March 29, 2013, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from February 1, 2013, through February 28, 2013.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

Approvals By Rule Issued Under 18 CFR 806.22(f):

1. EOG Resources, Inc., Pad ID: KENNEDY A Pad, ABR-201302001, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 7, 2013.

2. EOG Resources, Inc., Pad ID: JENKINS B Pad, ABR-201302002, Springfield Township, Bradford County, PA; Consumptive Use of Up to 5.000 mgd; Approval Date: February 8, 2013.

3. Southwestern Energy Production Company, Pad ID: FLICKS RUN EAST PAD, ABR-201302003, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: February 14, 2013.

4. Chief Oil & Gas, LLC, Pad ID: Lathrop Farm Trust Drilling Pad, ABR-201302004, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: February 28, 2013.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: March 11, 2013.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 13-597. Filed for public inspection March 29, 2013, 9:00 a.m.]

