

# PENNSYLVANIA BULLETIN

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for January—March 2013

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**No. 461, April 2013**

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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*.

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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

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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)).

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

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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 COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1000 ]

**Order Amending Rules 1042.3 and 1042.6, Renumbering Current Rules 1042.8 and 1042.9 and Adopting New Rules 1042.8, 1042.11 and 1042.12 of the Rules of Civil Procedure; No. 573 Civil Procedural Rules Doc.**

#### Order

*Per Curiam*

And Now, this 20th day of March, 2013, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 41 Pa.B. 2315 (May 7, 2011):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1042.3 and 1042.6 are amended, current Rules 1042.8 and 1042.9 are renumbered, and new Rules 1042.8, 1042.11, and 1042.12 are adopted 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 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1000. ACTIONS

#### Subchapter B. ACTION IN TRESPASS PROFESSIONAL LIABILITY ACTIONS

#### Rule 1042.3. Certificate of Merit.

\* \* \* \* \*

(d) The court, upon good cause shown, shall extend the time for filing a certificate of merit for a period not to exceed sixty days. A motion to extend the time for filing a certificate of merit must be filed by the thirtieth day after the filing of a notice of intention to enter judgment of non pros on a professional liability claim under Rule 1042.6(a) or on or before the expiration of the extended time where a court has granted a motion to extend the time to file a certificate of merit, whichever is greater. The filing of a motion to extend tolls the time period within which a certificate of merit must be filed until the court rules upon the motion.

**Official Note:** There are no restrictions on the number of orders that a court may enter extending the time for filing a certificate of merit provided that each order is entered pursuant to a new motion, timely filed and based on cause shown as of the date of filing the new motion.

The moving party must act with reasonable diligence to see that the motion is promptly presented to the court if required by local practice.

In ruling upon a motion to extend time, the court shall give appropriate consideration to the practicalities of securing expert review. There is a basis for granting an extension of time within which to file the certificate of merit if counsel for the plaintiff was first contacted shortly before the statute of limitations was about to expire, or if, despite diligent efforts by counsel, records necessary to review the validity of the claim are not available.

(e) If a certificate of merit is not signed by an attorney, the party signing the certificate of merit shall, in addition to the other requirements of this rule, attach to the certificate of merit the written statement from an appropriate licensed professional as required by subdivisions (a)(1) and (2). If the written statement is not attached to the certificate of merit, a defendant seeking to enter a judgment of non pros shall file a written notice of intent to enter a judgment of non pros for failure to file a written statement under Rule 1042.11.

#### Rule 1042.6. Notice of Intention to Enter Judgment of Non Pros for Failure to File Certificate of Merit. Motion to Determine Necessity to File Certificate. Form of Notice.

\* \* \* \* \*

(d) The notice required by subdivision (a) of this rule shall be substantially in the following form:

[ (Caption)

#### NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS ON PROFESSIONAL LIABILITY CLAIM ]

(Caption)

#### Notice of Intention to Enter Judgment of Non Pros for Failure to File a Certificate of Merit

\* \* \* \* \*

(*Editor's Note:* Rule 1042.8 is new and printed in regular type to enhance readability.)

#### Rule 1042.8. Motion to Strike. Defect of Certificate of Merit.

If a court grants a motion to strike a claim for noncompliance with the requirements of Rule 1042.3(b), the court shall grant the plaintiff twenty days to file a certificate of merit which cures the defect.

#### Rule [ 1042.8 ] 1042.9. Sanctions.

\* \* \* \* \*

#### Rule [ 1042.9 ] 1042.10. Certificate of Merit. Form.

\* \* \* \* \*

(*Editor's Note:* Rules 1042.11 and 1042.12 are new and printed in regular type to enhance readability.)

#### Rule 1042.11. Notice of Intention to Enter Judgment of Non Pros for Failure to File a Written Statement from an Appropriate Licensed Professional. Form of Notice.

(a) A defendant seeking to enter a judgment of non pros under Rule 1042.12 shall file a notice of intent to enter a judgment of non pros for failure to file a written statement from an appropriate licensed professional with the certificate of merit.

(b) The notice required by subdivision (a) of this rule shall be substantially in the following form:

(Caption)

#### Notice of Intention to Enter Judgment of Non Pros for Failure to File Written Statement from an Appropriate Licensed Professional

To: \_\_\_\_\_  
(Identify Party)

Pursuant to Pennsylvania Rule of Civil Procedure 1042.12, I intend to enter a judgment of non pros against you after thirty (30) days of the date of the filing of this notice if a written statement from an appropriate licensed professional is not filed as required by Rule 1042.3(e). I am serving this notice on behalf of \_\_\_\_\_

(Name of party)

The judgment of non pros will be entered as to the following claims:

\_\_\_\_\_  
\_\_\_\_\_  
(State if a judgment is to be entered as to all claims. Otherwise, identify claims set forth in the complaint as to which a judgment of non pros will be entered.)

\_\_\_\_\_  
(Attorney)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

**Rule 1042.12. Entry of Judgment of Non Pros for Failure to File a Written Statement from an Appropriate Licensed Professional. Form of Praecept**

(a) The prothonotary, on praecipe of the defendant, shall enter a judgment of non pros against the plaintiff for failure to file a written statement under Rule 1042.3(e) provided that

- (1) no written statement has been filed,
- (2) the defendant has attached to the praecipe a certificate of service of the notice of intention to enter the judgment of non pros, and
- (3) the praecipe is filed no less than thirty days after the date of the filing of the notice of intention to enter judgment of non pros.

**Official Note:** The prothonotary may not enter judgment if the written statement has been filed prior to the filing of the praecipe.

Rule 237.1 does not apply to a judgment of non pros entered under this rule.

See Rule 208.2(a)(4) for the content of the certificate of service.

(b) The praecipe for the entry of a judgment of non pros shall be substantially in the following form:

**(Caption)**

**Praecipe for Entry of Judgment of Non Pros Pursuant to Rule 1042.12**

To the Prothonotary:

Enter judgment of non pros in the above-captioned matter against \_\_\_\_\_ as to \_\_\_\_\_ (Identify Party)

(1) all claims against \_\_\_\_\_ .  
(Identify Party)

OR

(2) only the following claims against \_\_\_\_\_ :  
(Identify Party)

\_\_\_\_\_  
Identify Claims

Date: \_\_\_\_\_  
Attorney for \_\_\_\_\_  
(Identify Party)

**Explanatory Comment**

The Supreme Court of Pennsylvania has amended Rule 1042.1 *et seq.* governing the certificate of merit. Currently, the rules of civil procedure provide for dismissal of a complaint for failure to file a certificate of merit. However, they are silent as to procedure when a certificate of merit is filed, but does not comply with the rules, *e.g.*, the basis for the certificate of merit is incorrect, or a certificate of merit lists three defendants when the rules require a separate certificate of merit to be filed against each defendant. Proposed new Rule 1042.8 provides that when a court grants a motion to strike for failure to comply with Rule 1042.3(b), the trial court shall give the plaintiff twenty days to file a new certificate of merit which will cure the defect.

These proposed amendments also add a procedure for when the certificate of merit is not signed by an attorney. New subdivision (e) of Rule 1042.3 would require the attachment of the written statement from an appropriate licensed professional to the certificate of merit. Failure to attach the written statement will allow the defendant seeking to enter a judgment of non pros to file a written notice of intent to enter judgment of non pros. New Rule 1042.11 provides the requirements for filing the 10-day notice, and new Rule 1042.12 provides the requirements for filing the praecipe for entry of judgment of non pros. Suggested forms for both the 10-day notice and praecipe are provided.

The Committee is proposing this amendment for several reasons. First, only an attorney is subject to disciplinary proceedings for abusing the rules of civil procedure governing certificates of merit. Second, it is not unusual for an unrepresented plaintiff to file a certificate of merit without having received a written statement from a licensed professional supporting his or her claim. Third, the rules governing the certificates of merit already make a distinction between an attorney and an unrepresented plaintiff filing a certificate of merit. Current Rule 1042.8 provides for a trial court to impose sanctions only upon a determination that an attorney has violated the rules governing the filing of a certificate of merit because monetary sanctions are an ineffective remedy to curtail the failure of unrepresented plaintiffs to obtain a written statement from an appropriate licensed professional.

Technical amendments have also been made to Rule 1042.6, which do not affect practice and procedure. Because new Rule 1042.8 has been adopted, current Rules 1042.8, and 1042.9 have been renumbered as 1042.9 and 1042.10, respectively.

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 13-598. Filed for public inspection April 5, 2013, 9:00 a.m.]

**PART II. ORPHANS' COURT RULES**

**[ 231 PA. CODE PART II ]**

**Order Amending Rule 15.6 and Adopting New Forms in the Appendix to the Orphans' Court Rules; No. 593 Supreme Court Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 19th day of March, 2013, upon the recommendation of the Orphans' Court Procedural Rules

Committee; the proposal having been published for public comment at 42 Pa.B. 5730 (September 8, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that amendment of Pennsylvania Orphans' Court Rule 15.6 is amended and new forms are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective April 19, 2013 for all termination and adoption petitions filed after that date.

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

#### RULE 15: ADOPTIONS

Rule 15.6. Notice to persons; method [ and time ]; notice of Orphans' Court proceedings filed on dependency docket.

(a) Notice to every person to be notified shall be by personal service, service at his or her residence on an adult member of the household, or by registered or certified mail to his or her last known address. If such service is unobtainable and the registered mail is returned undelivered, then:

(1) no further notice shall be required in proceedings under Rules 15.2 or 15.3, and

(2) in proceedings under Rules 15.4 and 15.5, further notice by publication or otherwise shall be given if required by general rule or special order of the local Orphans' Court. If, after reasonable investigation, the identity of a person to be notified is unknown, notice to him or her shall not be required.

(b) When a child is in the legal custody of a county agency:

(1) Within seven (7) days of the filing of a petition to terminate parental rights under Rules 15.2 or 15.4, or a petition to confirm consent under 23 Pa.C.S. § 2504, or a petition to adopt under Rule 15.5, the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the name of the petition filed and the date of filing in substantially the form approved by the Supreme Court.

(2) Within seven (7) days of receiving the Court's disposition of the petitions described in subparagraph (b)(1), the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the disposition of the petition and the date of the order in substantially the form approved by the Supreme Court.

(3) If a notice of appeal from an order described in subparagraph (b)(2) is filed, then within seven (7) days of service of the notice of appeal, the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the appeal and the date of filing in substantially the form approved by the Supreme Court.

(4) Within seven (7) days of receiving the appellate court's disposition of the appeal described in

subparagraph (b)(3), the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the disposition of the appeal and the date of the decision in substantially the form approved by the Supreme Court.

#### Explanatory Comment

This Rule was amended in 2013 to add paragraph (b). The purpose of the amendment was to provide a procedure for collecting data concerning children who have been declared dependent under the Juvenile Act and placed in the custody of the county agency. The information is entered into the Common Pleas Case Management System-Dependency Module to comply with reporting requirements and to monitor dependent children in the foster care system. Unlike a "notice," as used in paragraph (a), the county agency is not required to serve the praecipe upon the parties to the dependency, termination, or adoption proceeding. The definition of "county agency" as used in this Rule is that contained in Pa.R.J.C.P. 1120. Where used in this Rule, "Orphans' Court" includes the Family Court division of the First Judicial District. See 20 Pa.C.S. § 713.

Pursuant to Rule 1.3 (Forms), the Court has approved forms for state-wide practice to comply with the requirements of paragraph (b). These forms can be found in the Appendix to these Rules.

#### INDEX TO APPENDIX

### ORPHANS' COURT AND REGISTER OF WILLS FORMS ADOPTED BY SUPREME COURT PURSUANT TO PA.O.C. Rule 1.3

\* \* \* \* \*

#### F. Foreign Adoption Forms

1. Registration Forms—Pa.O.C. Rule 15.8
  - a. Petition to Register Foreign Adoption Decree
  - b. Final Decree—Granted
  - c. Final Decree—Denied
  - d. Instructions for Filing Petition
2. Completion of Foreign Adoption Forms—Pa.O.C. Rule 15.9
  - a. Preliminary Decree
  - b. Final Decree
  - c. Petition for Adoption of a Foreign Born Child
  - d. Report of the Intermediary
  - e. Verification of Translator
    - Rule 15.6(b)(1) Form—Notification of the filing of a petition
    - Rule 15.6(b)(2) Form—Notification of the entry of an Order from Orphans' Court
    - Rule 15.6(b)(3) Form—Notification of an appeal from an Orphans' Court Order
    - Rule 15.6(b)(4) Form—Notification of the entry of an Order disposing of an appeal

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY PENNSYLVANIA

JUVENILE COURT DIVISION

(FAMILY COURT DIVISION in Philadelphia County)

In the Interest : Docket No.: CP-\_\_\_\_DP-\_\_\_\_-20\_\_  
of \_\_\_\_\_, a Minor :  
[Initials of Minor] :  
:   
Date of Birth \_\_\_\_\_ :

TO CLERK OF \_\_\_\_\_:  
[Title of Clerk Maintaining Dependency Docket] <sup>1</sup>

Please kindly record the following in the CPCMS – Dependency Module:

I hereby notify you that the following has been filed on \_\_[DATE OF FILING]\_\_ with the Orphans’ Court in \_\_ [NAME]\_\_\_\_\_ County concerning the above-child:

A petition to relinquish parental rights of \_\_[INITIALS OF PARENT(S) NAMED IN THE PETITION]\_\_\_\_\_.

A petition to terminate parental rights of \_\_\_\_\_[INITIALS OF PARENT(S) NAMED IN THE PETITION]\_\_\_\_\_.

A petition to confirm consent of \_\_\_\_\_[INITIALS OF PARENT(S) NAMED IN THE PETITION]\_\_\_\_\_.

A petition for adoption.

Date: \_\_\_\_\_

\_\_\_\_\_   
On behalf of: [County Agency]

<sup>1</sup> In the First Judicial District (i.e., Philadelphia County), this Clerk will be the Clerk of the Family Court division; in the Fifth Judicial District (i.e., Allegheny County), this Clerk will be personnel at the Department of Records for the Civil/Family division; and in most of the other counties, the Clerk will be the Clerk of the Juvenile Court division.

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY PENNSYLVANIA

JUVENILE COURT DIVISION

(FAMILY COURT DIVISION in Philadelphia County)

In the Interest \_\_\_\_\_ : Docket No.: CP-\_\_\_\_ DP-\_\_\_\_ -20\_\_  
of \_\_\_\_\_, a Minor :  
[Initials of Minor] :  
Date of Birth \_\_\_\_\_ :

TO CLERK OF \_\_\_\_\_ :  
[Title of Clerk Maintaining Dependency Docket]<sup>1</sup>

Please kindly record the following in the CPCMS – Dependency Module:

I hereby notify you that the following has been entered on \_\_[DATE OF FILING]\_\_ by the Orphans’ Court in \_\_[NAME]\_\_ County concerning the above-child:

- An order granting \_\_\_\_\_ denying (circle one) the petition to relinquish parental rights of \_\_[INITIALS OF PARENT(S) NAMED IN THE PETITION]\_\_\_\_\_.
- An order granting \_\_\_\_\_ denying (circle one) the petition to terminate parental rights of \_\_[INITIALS OF PARENT(S) NAMED IN THE PETITION]\_\_\_\_\_.
- An order granting \_\_\_\_\_ denying (circle one) the petition to confirm consent of \_\_\_\_\_[INITIALS OF PARENT(S) NAMED IN THE PETITION]\_\_\_\_\_.
- With the above-order relinquishing or terminating parental rights or confirming the consent of the parent(s), the child is available for adoption.  
Do not check if at least one parent still has parental rights.
- An order granting \_\_\_\_\_ denying (circle one) the petition for adoption .

Date: \_\_\_\_\_

\_\_\_\_\_  
On behalf of: [County Agency]

<sup>1</sup> In the First Judicial District (i.e., Philadelphia County), this Clerk will be the Clerk of the Family Court division; in the Fifth Judicial District (i.e., Allegheny County), this Clerk will be personnel at the Department of Records for the Civil/Family division; and in most of the other counties, the Clerk will be the Clerk of the Juvenile Court division.

THE COURTS

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY PENNSYLVANIA

JUVENILE COURT DIVISION

(FAMILY COURT DIVISION in Philadelphia County)

In the Interest : Docket No.: CP-\_\_\_\_ DP-\_\_\_\_ -20\_\_  
of \_\_\_\_\_, a Minor :  
[Initials of Minor] :  
:   
Date of Birth \_\_\_\_\_ :

TO CLERK OF \_\_\_\_\_ :  
[Title of Clerk Maintaining Dependency Docket]<sup>1</sup>

Please kindly record the following in the CPCMS – Dependency Module:

I hereby notify you that an appeal has been filed on \_\_\_\_ [DATE] \_\_\_\_ concerning the above-child from the following Orphans’ Court order:

- An order granting denying (circle one) the petition to relinquish parental rights of \_\_\_\_ [INITIALS OF PARENT(S) NAMED IN THE ORDER] \_\_\_\_.
- An order granting denying (circle one) the petition to terminate parental rights of \_\_\_\_ [INITIALS OF PARENT(S) NAMED IN THE ORDER] \_\_\_\_.
- An order granting denying (circle one) the petition to confirm consent of \_\_\_\_ [INITIALS OF PARENT(S) NAMED IN THE ORDER] \_\_\_\_.
- An order granting denying (circle one) the petition for adoption.

Date: \_\_\_\_\_

\_\_\_\_\_  
On behalf of: [County Agency]

<sup>1</sup> In the First Judicial District (i.e., Philadelphia County), this Clerk will be the Clerk of the Family Court division; in the Fifth Judicial District (i.e., Allegheny County), this Clerk will be personnel at the Department of Records for the Civil/Family division; and in most of the other counties, the Clerk will be the Clerk of the Juvenile Court division.

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY PENNSYLVANIA

JUVENILE COURT DIVISION

(FAMILY COURT DIVISION in Philadelphia County)

In the Interest \_\_\_\_\_ : Docket No.: CP- \_\_\_\_\_ DP- \_\_\_\_\_ -20 \_\_\_\_  
of \_\_\_\_\_, a Minor :  
[Initials of Minor] :  
:   
Date of Birth \_\_\_\_\_ :

TO CLERK OF \_\_\_\_\_ :  
[Title of Clerk Maintaining Dependency Docket]<sup>1</sup>

Please kindly record the following in the CPCMS – Dependency Module:

I hereby notify you that the appeal from the Orphans’ Court order concerning the above-child has been disposed on \_\_\_\_\_ [DATE] \_\_\_\_\_ in the following manner:

Quashed       Affirmed       Reversed       Vacated & Remanded

Other: \_\_\_\_\_

Date: \_\_\_\_\_

On behalf of: [County Agency]

<sup>1</sup> In the First Judicial District (i.e., Philadelphia County), this Clerk will be the Clerk of the Family Court division; in the Fifth Judicial District (i.e., Allegheny County), this Clerk will be personnel at the Department of Records for the Civil/Family division; and in most of the other counties, the Clerk will be the Clerk of the Juvenile Court division.

# Title 25—LOCAL COURT RULES

## CARBON COUNTY

### Amendment of Local Rules of Civil Procedure 210 Form of Briefs, 1028(c) Preliminary Objections, 1034(a) Motion for Judgment on the Pleadings and 1035.2(a) Motion and Praecept for Argument Form; No. 13-0523

#### Administrative Order No. 9-2013

*And Now*, this 21st day of March, 2013, it is hereby *Ordered* and *Decreed* that, effective May 1, 2013, Carbon County Rules of Civil Procedure CARB.R.C.P. 210 governing Form of Briefs, CARB.R.C.P. 1028(c) governing Preliminary Objections, CARB.R.C.P. 1034(a) governing Motion for Judgment on the Pleadings, CARB.R.C.P. 1035.2(a) governing a Motion for Summary Judgment and Praecept for Argument form be and are hereby *Amended* as follows.

1. The Carbon County District Court Administrator is *Ordered* and *Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

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

3. Publish the Rules on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. File one (1) certified copy with the Civil Procedural Rules Committee.

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

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

7. Keep continuously available for public inspection copies of the Administrative Order and Local Rules in the Prothonotary's Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

#### Rule 210. Form of Briefs.

1. Each brief shall contain:
  - (a) A history of the case;
  - (b) A statement of the pertinent facts;
  - (c) A statement of the questions involved;
  - (d) An argument; and
  - (e) A short conclusion stating the precise relief requested.

2. The statement of questions involved shall be so drawn that the Court may quickly determine all the legal questions requiring determination.

3. The argument shall be divided into as many parts as there are questions involved. Opinions of an appellate court, of this or any other jurisdiction shall be cited from the National Reporter System if reported therein, otherwise to the official reports of the applicable state appellate courts, if reported therein.

4. Briefs shall refer specifically, by page number or other appropriate designation, to any portion of the record relied upon in support of the argument.

5. Copies of any state or federal case relied upon not published in the official reports of that court shall be attached as Exhibits to the Brief.

6. Counsel for the moving party shall in all matters file an original and two (2) copies of a supporting brief in the Office of the Prothonotary and forthwith serve one (1) copy of the brief upon each adverse party or counsel of record. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator.

7. Each adverse party or his counsel of record shall file in the Office of the Prothonotary an original and two (2) copies of a brief in answer, within thirty (30) days of service of the motion and forthwith serve a copy thereof upon all opposing parties or their counsel of record. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator.

#### Rule 1028(c). Preliminary Objections.

1 A proposed order shall be attached to all preliminary objections.

2 If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties.

3 The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P.210 for form, content of brief, service and filing requirements.

4 The adverse party shall file an answer and brief in support thereof when endorsed with a Notice to Plead or shall file a brief in response to the preliminary objections not endorsed with a Notice to Plead within twenty (20) days of service. See CARB.R.C.P.210 for form, content of brief, service and filing requirements.

5 If an amended complaint is not filed within twenty (20) days of service of the preliminary objections, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praecept for Argument shall accompany the motion or response.

6 If the Preliminary Objections raise issues of fact not of record, evidence by way of depositions or otherwise shall be filed of record to enable the objections to be properly decided.

#### Rule 1034(a). Motion for Judgment on the Pleadings.

1 A party moving for judgment on the pleadings shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P.208.2(a)(5) shall be attached to the motion. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P.210.

2 Any party opposing the motion shall file a responsive brief within twenty (20) days of service of the motion, together with a certificate of service evidencing service in accordance with number one above. A party who fails to respond to the motion may be deemed to have no opposition to its grant.

3 A party who fails to file a brief shall not be permitted to argue.



4 Upon service of the motion and responsive brief on the District Court Administrator, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praecepte for Argument shall accompany the motion or response.

**Rule 1035.2(a). Motion.**

1 A party moving for summary judgment shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P.208.2(a)(5) shall be attached to the motion. Pa.R.C.P.440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P.210.

2 Any party opposing the motion shall file a response and brief in support thereof within thirty (30) days of service of the motion, together with a certificate of service evidencing service in accordance with number one above. Service shall be required on the District Court Administrator. A party who fails to respond to the motion shall be deemed to have consented to the granting of the motion without contest.

3 A party who fails to file a brief shall not be permitted to argue.

4 Upon service of the motion and response on the District Court Administrator, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praecepte for Argument shall accompany the motion or response.

IN THE COURT OF COMMON PLEAS, CARBON COUNTY, PENNSYLVANIA CIVIL ACTION

Plaintiff :
vs : No.
Defendant :

**PRAECIPE FOR ARGUMENT**

To the Judges of said Court:

(1) Place the above case on the next available Argument List.

(2) The matter to be argued is \_\_\_\_\_

presented by \_\_\_\_\_ on \_\_\_\_\_.

(3) Case will be argued for the undersigned party by \_\_\_\_\_

(4) There (is) (is not) a companion case filed at \_\_\_\_\_. If so, there (are) (are not) similar matters pending in the companion case.

(5) A copy of this Praecepte has been duly served upon all other parties or their counsel.

(6) Name of Opposing Counsel: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Opposing Counsel: \_\_\_\_\_

Address: \_\_\_\_\_

(7) Date complaint filed: \_\_\_\_\_

Attorney for \_\_\_\_\_

[Pa.B. Doc. No. 13-600. Filed for public inspection April 5, 2013, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Collection Fee and Late Payment Penalty 2013-2014 Registration Year**

Notice is hereby given that in accordance with Pennsylvania Rules of Disciplinary Enforcement 219(d)(2) and 219(f), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2013-2014 Registration Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$100.00 per returned item.

Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty of \$150.00. A second non-waivable late payment penalty of \$150.00 shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31.

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 13-601. Filed for public inspection April 5, 2013, 9:00 a.m.]

**List of Financial Institutions**

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E, which provides for trust account overdraft notification.

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

**List of PA Financial Institutions who Have Been Approved as Depositories for Fiduciary Accounts of Attorneys**

**Bank Code A.**

- 595 Abacus Federal Savings Bank
2 ACNB Bank
572 Affinity Bank of Pennsylvania
613 Allegent Community Federal Credit Union
302 Allegheny Valley Bank of Pittsburgh
579 Alliance Bank
375 Altoona First Savings Bank
376 Ambler Savings Bank

532 **American Bank**  
 502 American Eagle Savings Bank  
 635 American FSB (Maryland)  
 615 Americhoice Federal Credit Union  
 116 **AmeriServ Financial**  
 377 Apollo Trust Company  
 568 Arc Federal Credit Union

**Bank Code B.**

558 Bancorp Bank (The)  
 485 Bank of America  
 415 Bank of Landisburg  
 519 Beaver Valley Federal Credit Union  
 501 BELCO Community Credit Union  
 397 **Beneficial Bank**  
 582 Berkshire Bank  
   5 BNY Mellon, N.A.  
 392 **Brentwood Bank**  
 495 Brown Brothers Harriman & Co.  
 161 Bryn Mawr Trust Company  
 156 Bucks County Bank

**Bank Code C.**

540 C & G Savings Bank  
 618 Capital Bank  
 622 Carrollton Bank  
 136 **Centric Bank**  
 394 **Charleroi Federal Savings Bank**  
 623 Chemung Canal Trust Company  
 599 Citibank N.A.  
 238 Citizens & Northern Bank  
 561 Citizens Bank of PA  
 420 Citizens National Bank, Meyersdale  
 206 Citizens Savings Bank  
 602 **City National Bank of New Jersey**  
 576 Clarion County Community Bank  
   16 **Clearfield Bank & Trust Co.**  
 591 Clearview Federal Credit Union  
   23 CNB Bank  
 354 Coatesville Savings Bank  
 603 Colonial American Bank  
 223 Commercial Bank & Trust of Pennsylvania  
   21 Community Bank, N.A.  
 533 Community First Bank  
 430 Community National Bank of Northwestern PA  
 132 Community State Bank of Orbisonia  
 170 **Conestoga Bank**  
 590 Continental Bank  
 380 County Savings Bank  
 480 Cresson Community Bank  
 536 Customers Bank

**Bank Code D.**

339 Dime Bank (The)  
 239 DNB First, National Assoc.  
   27 Dollar Bank  
 423 Dwelling House S&L Assoc.

**Bank Code E.**

357 Eagle National Bank  
 424 East Penn Bank  
 597 **East River Bank**  
 340 East Stroudsburg Savings Association  
 500 Elderton State Bank  
 567 Embassy Bank  
 541 Enterprise Bank  
   28 Ephrata National Bank (The)  
 616 ErieBank, a division of CNB Bank  
 383 **ESB Bank, F.S.B.**

601 **Esquire Bank**  
 552 Eureka Bank

**Bank Code F.**

629 1st Colonial National Bank  
 426 1st Northern Bank and Trust  
 478 Farmers & Merchants Bank of Western PA, N.A.  
   31 Farmers & Merchants Trust Company  
 205 Farmers National Bank of Emlenton  
   34 Fidelity Deposit & Discount Bank  
 343 **Fidelity Savings & Loan of Bucks County**  
 583 **Fifth Third Bank**  
 627 First Bank of Delaware  
 174 First Citizens National Bank  
 191 First Columbia Bank & Trust Co.  
 539 **First Commonwealth Bank**  
 551 First Cornerstone Bank  
 369 First Federal of Bucks County  
 504 First Federal S&L Assoc. of Greene County  
 388 **First Federal Savings Bank in Monessen**  
 525 First Heritage Federal Credit Union  
   42 **First Keystone Community Bank**  
 371 **First Liberty Bank & Trust**  
 263 FirstMerit Bank, N.A.  
   51 First National Bank & Trust Co.  
     of Newtown (The)  
 421 First National Bank of Fredericksburg  
 417 First National Bank of Lilly  
 418 First National Bank of Liverpool  
   46 First National Bank of Mercersburg  
 419 First National Bank of Mifflintown  
 198 **First National Bank of Minersville**  
   48 First National Bank of Pennsylvania  
 427 First National Bank of Port Allegany  
 175 First National Community Bank  
 549 First National Community Bank (Midland)  
 626 First Niagara Bank  
 604 First Priority Bank  
 592 **First Resource Bank**  
   40 First Savings Bank of Perkasio  
 158 First Summit Bank  
 408 First United National Bank  
 151 Firstrust Bank  
 416 Fleetwood Bank  
 493 **FNB Bank, N.A.**  
 291 Fox Chase Bank  
 241 Franklin Mint Federal Credit Union  
 612 **Franklin Security Bank**  
   58 **Fulton Bank**

**Bank Code G.**

588 Gateway Bank of Pennsylvania  
 499 Gratz Bank (The)  
 593 **Graystone Tower Bank**  
 498 Greenville Savings Bank

**Bank Code H.**

402 **Halifax Bank**  
 244 Hamlin Bank & Trust Co.  
 362 Harleysville Savings Bank  
 363 Hatboro Federal Savings  
 463 Haverford Trust Company (The)  
 559 Home Savings & Loan Co.  
 606 Hometown Bank of PA  
   68 Honesdale National Bank (The)  
 350 HSBC Bank of USA  
 364 **Huntingdon Valley Bank**  
 605 Huntingdon National Bank  
 608 **Hyperion Bank**

**Bank Code I.**

365 Indiana First Savings Bank  
 575 Integrity Bank  
 557 **Investment Savings Bank**  
 526 Iron Workers Bank

**Bank Code J.**

70 Jersey Shore State Bank  
 127 Jim Thorpe National Bank  
 488 Jonestown Bank and Trust Co.  
 72 **Juniata Valley Bank (The)**

**Bank Code K.**

414 Kish Bank

**Bank Code L.**

74 **Lafayette Ambassador Bank**  
 554 Landmark Community Bank  
 78 Luzerne National Bank

**Bank Code M.**

361 M & T Bank  
 386 Malvern Federal Savings Bank  
 412 Manor Bank  
 510 Marion Center Bank  
 387 Marquette Savings Bank  
 81 Mars National Bank  
 43 **Marysville Bank**  
 367 Mauch Chunk Trust Company  
 619 MB Financial Bank  
 511 MCS Bank  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 610 Meridian Bank  
 18 Metro Bank  
 294 Mid Penn Bank  
 276 **Mifflinburg Bank & Trust Company**  
 617 Milestone Bank  
 457 Milton Savings Bank  
 345 Miners Bank  
 614 Monument Bank  
 596 **MoreBank**  
 484 **Muncy Bank & Trust Company**

**Bank Code N.**

433 National Bank of Malvern  
 88 National Penn Bank  
 347 Neffs National Bank  
 372 Nesquehoning Savings Bank  
 434 New Tripoli Bank  
 15 **Nextier Bank**  
 439 **Northumberland National Bank**  
 93 Northwest Savings Bank

**Bank Code O.**

489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

598 **Parke Bank**  
 584 Parkview Community Federal Credit Union  
 580 **Penn Liberty Bank**  
 97 Penn Security Bank & Trust Company  
 168 Pennstar Bank  
 447 Peoples Neighborhood Bank  
 491 Peoples State Bank (The)  
 99 PeoplesBank  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 620 Pittsburgh Central Federal Credit Union

79 PNC Bank  
 528 Polonia Bank  
 449 Port Richmond Savings  
 451 Progressive Home Federal  
 624 Province Bank  
 456 Prudential Savings Bank

**Bank Code Q.**

107 QNB Bank  
 560 Quaint Oak Savings Bank

**Bank Code R.**

452 **Reliance Bank**  
 220 Republic Bank  
 628 Riverview Bank  
 208 Royal Bank America

**Bank Code S.**

153 S&T Bank  
 464 Scottdale Bank & Trust Company  
 460 Second Federal S&L Assoc. of Phila.  
 516 Sentry Federal Credit Union  
 458 Sharon Savings Bank  
 633 Slovak Savings Bank  
 462 Slovenian S&L Association of  
 Franklin-Conemaugh  
 486 Somerset Trust Company  
 316 Sovereign Bank, F.S.B.  
 518 **Standard Bank PASB**  
 542 Stonebridge Bank  
 517 Sun National Bank  
 440 SunTrust Bank  
 30 Susquehanna Bank  
 236 **Swineford National Bank**

**Bank Code T.**

26 3rd Fed Bank  
 143 TD Bank  
 594 **Team Capital Bank**  
 609 Tristate Capital Bank  
 467 Turbotville National Bank

**Bank Code U.**

113 Union Bank and Trust Company  
 481 Union Building and Loan Savings Bank  
 483 **UNB Bank**  
 133 Union National Community Bank  
 634 United Bank  
 472 United Bank of Philadelphia  
 475 United Savings Bank  
 600 Unity Bank  
 232 Univest National Bank & Trust Co.

**Bank Code V.**

589 Valley Green Bank  
 607 **Vantage Point Bank**  
 611 Victory Bank (The)  
 182 VIST Financial

**Bank Code W.**

119 Washington Financial Bank  
 121 Wayne Bank  
 631 Wells Fargo Bank N.A.  
 553 WesBanco Bank  
 122 **West Milton State Bank**  
 494 West View Savings Bank  
 473 Westmoreland Federal Savings  
 476 William Penn Bank  
 272 Woodlands Bank  
 573 **Woori America Bank**  
 630 WSFS Bank, FSB

**Bank Code X.**

**Bank Code Y.**

577 York Traditions Bank

**Bank Code Z.**

**Platinum Leader Banks**

The Highlighted Eligible Institutions are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

[Pa.B. Doc. No. 13-602. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Notice of Disbarment**

Notice is hereby given that Eugene E. Chmura, having been disbarred from the practice of law in the State of New York by Opinion and Order of the Supreme Court of the State of New York entered September 26, 2012, the Supreme Court of Pennsylvania issued an Order on March 20, 2013, disbaring Eugene E. Chmura, from the Bar of this Commonwealth, effective April 19, 2013. In accordance with Rule 217(f), Pa.R.D.E, since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-603. Filed for public inspection April 5, 2013, 9:00 a.m.]

- Magisterial District 09-1-02 Camp Hill Borough
- Magisterial District Judge Lemoyne Borough
- Elizabeth S. Beckley Wormleysburg Borough
- Magisterial District 09-1-03 West Fairview Borough
- Magisterial District Judge East Pennsboro Township
- Richard S. Dougherty, Jr.
- Magisterial District 09-2-01 Lower Frankford Township
- Magisterial District Judge Middlesex Township
- Paul M. Fegley North Middleton Township
- Magisterial District 09-2-02 Carlisle Borough
- Magisterial District Judge
- Jessica E. Brewbaker
- Magisterial District 09-3-01 Newburg Borough
- Magisterial District Judge Shippensburg Borough
- Harold Anthony Adams Hopewell Township
- Shippensburg Township
- Southampton Township
- Magisterial District 09-3-02 Newville Borough
- Magisterial District Judge Cooke Township
- Vivian J. Cohick Lower Mifflin Township
- North Newton Township
- Penn Township
- South Newton Township
- Upper Frankford Township
- Upper Mifflin Township
- West Pennsboro Township
- Magisterial District 09-3-03 Mt. Holly Springs Borough
- Magisterial District Judge Dickinson Township
- Susan K. Day South Middleton Township
- Magisterial District 09-3-04 Hampden Township
- Magisterial District Judge Silver Spring Township
- (Vacant)
- Magisterial District 09-3-05 Mechanicsburg Borough
- Magisterial District Judge Monroe Township
- Mark W. Martin Upper Allen Township

[Pa.B. Doc. No. 13-604. Filed for public inspection April 5, 2013, 9:00 a.m.]

**SUPREME COURT**

**Reestablishment of the Magisterial Districts within the 9th Judicial District; No. 335 Magisterial Rules Doc.**

**Order**

*Per Curiam*

And Now, this 19th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 9th Judicial District (Cumberland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 09-2-01, 09-3-02, and 09-3-03, within Cumberland County, to be effective July 1, 2013, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 09-1-01, 09-1-02, 09-1-03, 09-2-02, 09-3-01, 09-3-04, and 09-3-05 within Cumberland County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

- Magisterial District 09-1-01 New Cumberland Borough
- Magisterial District Judge Shiremanstown Borough
- Charles A. Clement, Jr. Lower Allen Township

**Reestablishment of the Magisterial Districts within the 22nd Judicial District; No. 336 Magisterial Rules Doc.**

**Order**

*Per Curiam*

And Now, this 19th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 22nd Judicial District (Wayne County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 22-3-03, within Wayne County, to be effective January 1, 2018, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 22-3-01, 22-3-02, and 22-3-04 within Wayne County, to be effective January 1, 2018, is granted.

Said Magisterial Districts shall be as follows:

- Magisterial District 22-3-01 Hawley Borough
- Magisterial District Judge Dreher Township
- Bonnie L. Carney Lake Township
- Lehigh Township
- Palmyra Township
- Paupack Township
- Salem Township
- Sterling Township

Magisterial District 22-3-02 Honesdale Borough  
 Magisterial District Judge Prompton Borough  
 Theodore J. Mikulak Waymart Borough  
 Canaan Township  
 Cherry Ridge Township  
 South Canaan Township  
 Texas Township

Magisterial District 22-3-04 Bethany Borough  
 Magisterial District Judge Starrucca Borough  
 Ronald J. Edwards Berlin Township  
 Buckingham Township  
 Clinton Township  
 Damascus Township  
 Dyberry Township  
 Lebanon Township  
 Manchester Township  
 Mt. Pleasant Township  
 Oregon Township  
 Preston Township  
 Scott Township

[Pa.B. Doc. No. 13-605. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within  
 the 23rd Judicial District; No. 334 Magisterial  
 Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 19th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 23rd Judicial District (Berks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of 23-1-01, 23-1-02, 23-1-03, 23-1-05, 23-1-06, 23-2-01, 23-2-02, 23-2-03, 23-2-04, 23-3-01, 23-3-02, 23-3-03, 23-3-04, 23-3-05, 23-3-06, 23-3-07 and 23-3-09, within Berks County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 23-1-01 Adamstown Borough  
 Magisterial District Judge Robeson Borough  
 Ann L. Young Sinking Spring Borough  
 Wernersville Borough  
 Heidelberg Township  
 Lower Heidelberg Township  
 South Heidelberg Township  
 Spring Township

Magisterial District 23-1-02 City of Reading (Wards 2, 3,  
 Magisterial District Judge 10, and 16)  
 Michael J. Leonardziak

Magisterial District 23-1-03 City of Reading (Wards 8, 9,  
 Magisterial District Judge 11, and 12)  
 Wallace S. Scott

Magisterial District 23-1-05 City of Reading (Wards 6, 7,  
 Magisterial District Judge 15, and 19)  
 Alvin B. Robinson

Magisterial District 23-1-06 Laureldale Borough  
 Magisterial District Judge Muhlenberg Township  
 Dean R. Patton

Magisterial District 23-2-01 City of Reading (Wards 1, 4,  
 Magisterial District Judge 5, and 18)  
 Stuart D. Kennedy

Magisterial District 23-2-02 West Reading Borough  
 Magisterial District Judge Wyomissing Borough  
 Timothy M. Dougherty

Magisterial District 23-2-03 Mount Penn Borough  
 Magisterial District Judge St. Lawrence Borough  
 Phyllis J. Kowalski Exeter Township  
 Lower Alsace Township

Magisterial District 23-2-04 Cumru Township  
 Magisterial District Judge Kenhorst Borough  
 Nicholas M. Bentz, Jr. Mohnnton Borough  
 Shillington Borough

Magisterial District 23-3-01 Birdsboro Borough  
 Magisterial District Judge New Morgan Borough  
 David E. Glass Brecknock Township  
 Caernarvon Township  
 Robeson Township  
 Union Township

Magisterial District 23-3-02 Bally Borough  
 Magisterial District Judge Bechtelsville Borough  
 Michael G. Hartman Boyertown Borough  
 Colebrookdale Township  
 Douglass Township  
 Earl Township  
 Hereford Township  
 Washington Township

Magisterial District 23-3-03 Topton Borough  
 Magisterial District Judge Alsace Township  
 Victor M. Frederick, IV Amity Township  
 District Township  
 Longswamp Township  
 Oley Township  
 Pike Township  
 Rockland Township  
 Ruscombmanor Township

Magisterial District 23-3-04 Fleetwood Borough  
 Magisterial District Judge Kutztown Borough  
 Gail M. Greth Lyons Borough  
 Maxatawny Township  
 Richmond Township

Magisterial District 23-3-05 Centerport Borough  
 Magisterial District Judge Leesport Borough  
 Thomas M. Gauby, Sr. Bern Township  
 Centre Township  
 Maiden creek Township  
 Ontelaunee Township

Magisterial District 23-3-06 Hamburg Borough  
 Magisterial District Judge Lenhartsville Borough  
 Kim L. Bagenstose Shoemakersville Borough  
 Albany Township  
 Greenwich Township  
 Perry Township  
 Tilden Township  
 Windsor Township

Magisterial District 23-3-07 Bernville Borough  
 Magisterial District Judge Strausstown Borough  
 Andrea J. Book Womelsdorf Borough  
 Bethel Township  
 Jefferson Township  
 Marion Township  
 North Heidelberg Township  
 Penn Township  
 Tulpehocken Township  
 Upper Bern Township  
 Upper Tulpehocken  
 Township

Magisterial District 23-3-09 City of Reading (Wards 13,  
 Magisterial District Judge 14, and 17)  
 Thomas H. Xavios

[Pa.B. Doc. No. 13-606. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within  
 the 29th Judicial District; No. 338 Magisterial  
 Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 21st day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 29th Judicial District (Lycoming County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of 29-1-01, 29-1-02, 29-3-01, 29-3-02, 29-3-03 and 29-3-04, within Lycoming County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 29-1-01 City of Williamsport (Wards  
 Magisterial District Judge 4-11)  
 James G. Carn

Magisterial District 29-1-02 City of Williamsport (Wards  
 Magisterial District Judge 1-3, 12-17)  
 Allen P. Page, III

Magisterial District 29-3-01 Jersey Shore Borough  
 Magisterial District Judge Salladasburg Borough  
 Jerry C. Lepley Anthony Township  
 Bastress Township  
 Brown Township  
 Cummings Township  
 Limestone Township  
 McHenry Township  
 Mifflin Township  
 Nippenose Township  
 Piatt Township  
 Pine Township  
 Porter Township  
 Watson Township  
 Woodward Township

Magisterial District 29-3-02 Montoursville Borough  
 Magisterial District Judge South Williamsport  
 Gary A. Whiteman Borough  
 Cascade Township  
 Eldred Township  
 Fairfield Township  
 Gamble Township  
 Loyalsock Township (Wards  
 1, 2, 4, 5, 6, and 7)  
 Plunketts Creek Township  
 Upper Fairfield Township

Magisterial District 29-3-03 Hughesville Borough  
 Magisterial District Judge Montgomery Borough  
 Jon E. Kemp Muncy Borough  
 Picture Rocks Borough  
 Brady Township  
 Clinton Township  
 Franklin Township  
 Jordan Township  
 Mill Creek Township  
 Moreland Township  
 Muncy Township  
 Muncy Creek Township  
 Penn Township  
 Shrewsbury Township  
 Washington Township  
 Wolf Township

Magisterial District 29-3-04 Duboistown Borough  
 Magisterial District Judge Armstrong Township  
 James H. Sortman Cogan House Township  
 Hepburn Township  
 Jackson Township  
 Lewis Township  
 Loyalsock Township  
 (Ward 3)  
 Lycoming Township  
 Mc Intyre Township  
 Mc Nett Township  
 Old Lycoming Township  
 Susquehanna Township

[Pa.B. Doc. No. 13-607. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within  
 the 50th Judicial District; No. 337 Magisterial  
 Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 21st day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 50th Judicial District (Butler County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of 50-1-01, 50-3-01, 50-3-02, 50-3-03, 50-3-04, 50-3-05, and 50-3-06, within Butler County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 50-1-01 Butler Township  
 Magisterial District Judge  
 Kevin P. O'Donnell

Magisterial District 50-3-01  
 Magisterial District Judge  
 C. Timothy Shaffer  
 Harrisville Borough  
 Portersville Borough  
 Prospect Borough  
 Slippery Rock Borough  
 West Liberty Borough  
 Brady Township  
 Franklin Township  
 Mercer Township  
 Muddy Creek Township  
 Slippery Rock Township  
 Worth Township

Magisterial District 50-3-02  
 Magisterial District Judge  
 Lewis E. Stoughton  
 Bruin Borough  
 Cherry Valley Borough  
 Chicora Borough  
 East Butler Borough  
 Eau Claire Borough  
 Fairview Borough  
 Karns City Borough  
 Petrolia Borough  
 West Sunbury Borough  
 Allegheny Township  
 Center Township  
 Cherry Township  
 Clay Township  
 Clearfield Township  
 Concord Township  
 Donegal Township  
 Fairview Township  
 Marion Township  
 Oakland Township  
 Parker Township  
 Summit Township  
 Venango Township  
 Washington Township

Magisterial District 50-3-03  
 Magisterial District Judge  
 Sue E. Haggerty  
 Saxonburg Borough  
 Buffalo Township  
 Clinton Township  
 Jefferson Township  
 Middlesex Township  
 Jefferson Township  
 Middlesex Township  
 Penn Township  
 Winfield Township

Magisterial District 50-3-04  
 Magisterial District Judge  
 David T. Kovach  
 Seven Fields Borough  
 Cranberry Township

Magisterial District 50-3-05  
 Magisterial District Judge  
 Peter H. Shaffer  
 City of Butler

Magisterial District 50-3-06  
 Magisterial District Judge  
 Wayne D. Seibel  
 Callery Borough  
 Connoquenessing Borough  
 Evans City Borough  
 Harmony Borough  
 Mars Borough  
 Valencia Borough  
 Zelienople Borough  
 Adams Township  
 Connoquenessing Township  
 Forward Township  
 Jackson Township  
 Lancaster Township

**Reestablishment of the Magisterial Districts within  
 the 57th Judicial District; No. 333 Magisterial  
 Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 19th day of March 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 57th Judicial District (Bedford County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 57-3-01, 57-3-02, 57-3-03, and 57-3-04, within Bedford County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

57-3-01 Magisterial District Judge Tonya M. Osman	Hyndman Borough Manns Choice Borough New Paris Borough Pleasantville Borough Schellsburg Borough Harrison Township Juniata Township Kimmel Township King Township Lincoln Township Londonderry Township Napier Township Pavia Township West St. Clair Township
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57-3-02 Magisterial District Judge H. Cyril Bingham, Jr.	Bedford Borough Rainsburg Borough St. Clairsville Borough Bedford Township Colerain Township Cumberland Valley Township East St. Clair Township
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57-3-03 Magisterial District Judge Brian K. Baker	Coaldale Borough Hopewell Borough Saxton Borough Woodbury Borough Bloomfield Township Broad Top Township Hopewell Township Liberty Township South Woodbury Township Woodbury Township
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57-3-04 Magisterial District Judge Kathy S. Calhoun	Everett Borough East Providence Township Mann Township Monroe Township Snake Spring Township South Hampton Township Southampton Township West Providence Township
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[Pa.B. Doc. No. 13-609. Filed for public inspection April 5, 2013, 9:00 a.m.]

[Pa.B. Doc. No. 13-608. Filed for public inspection April 5, 2013, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

[ 4 PA. CODE CH. 405 ]

### General Revisions

The Navigation Commission for the Delaware River and Its Navigable Tributaries (Commission) proposes to amend §§ 405.7, 405.8 and 405.12 (relating to qualifications for license; physical examination qualifications; and renewal of license) and add § 405.36 (relating to Federal license) to read as set forth in Annex A.

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The Commission has authority to promulgate regulations under section 4 of the act of March 29, 1803 (act) (P.L. 542, 4 Sm.L. 67) (55 P.S. § 31) and section 2504-B(4) of The Administrative Code of 1929 (71 P.S. § 670.2(4)).

#### *Background and Purpose*

In the United States, there is a concurrent system of licensing for pilots established by Federal and state law. The history of pilot regulation in the United States dates back to when the colonies had exclusive power over pilot regulation, including when vessels entering their waters were required to employ a pilot. With the expansion of the maritime industry in the United States, the Federal government eventually adopted uniform regulations to promote safe passage of vessels along the coast and through bays, rivers, harbors and ports.

In promulgating the Federal regulations, however, the Federal government essentially determined that the existing state regulations efficiently served this purpose for inland waterways (rivers, bays, harbors and ports). Under the current Federal and state regulations, registered vessels engaged in foreign trade under foreign flags shall employ a state-licensed pilot and enrolled domestic vessels under the United States flag engaged in coastal trade shall employ a Federally-licensed pilot. If a pilot has both a state and Federal license, that pilot can then pilot either type of vessel, although there are significantly fewer United States flag vessels. Federal pilot licensing law essentially permits the states to adopt their own regulations concerning the licensing of pilots. Federal law concerning pilotage preempts a conflicting state law under the Supremacy Clause of the U.S. Constitution (U.S. Const. art. VI, cl. 2).

One of the major purposes of this proposed rulemaking is to bring consistency to different sections of the Commission's regulations. Currently, § 405.7(c)(3) requires an apprentice to acquire a Federal pilot's license before obtaining a sixth-class license in this Commonwealth. The proposed rulemaking would require licensed pilots in this Commonwealth to maintain a Federal pilot's license, thereby making it consistent with this current requirement.

When a pilot is initially licensed in this Commonwealth, he becomes a pilot of the sixth-class and works his way up through the various classes of licensure each year to become a first-class pilot. Under section 17(a) of the act (55 P.S. § 42(a)), a sixth-class pilot may pilot smaller vessels that draw only 25 feet of water or less, while pilots of the fifth-class through the first-class may pilot increasingly larger vessels. There is not a limit on the depth of water for a vessel that a first-class pilot may command.

Currently, licensed pilots in this Commonwealth also hold Federal pilot's licenses due not only to the regulation for sixth-class pilots but also due to the past custom and practice of the Pilots' Association for the Bay and River Delaware, to which Pennsylvania and Delaware licensed pilots belong as members. Therefore, this proposed rulemaking also recognizes the current practice of pilots in this Commonwealth. In addition, when pilots in this Commonwealth renew their licenses annually, they submit a copy of their Federal pilot's licenses to the Commission because § 405.12(a)(1) currently requires an applicant for renewal of a State license to have satisfied the requirements of § 405.7(a)(1)—(6) and (8). One of the qualifications for license in § 405.7(a)(5) is to have been qualified as a radar observer as evidenced by either a radar observer endorsement on a current Federal pilot's license or a certificate issued by a United States Coast Guard-approved authority reflecting that the certificate-holder satisfactorily completed a course of instruction for radar observers within 5 years of the date of application. Because pilots in this Commonwealth also hold Federal pilot's licenses, these pilots submit a copy of their Federal pilot's licenses (with a radar observer endorsement) to satisfy the requirements of §§ 405.7(a)(5) and 405.12(a)(1).

The proposed rulemaking is also needed to update obsolete provisions of the regulations. The United States Coast Guard has changed the names of its reports and the proposed amendments refer to the new names of the reports as well as provide for possible future name changes by referring to successor forms of the reports. Furthermore, current requirement in § 405.7(b)(2) for an interview for a first-time applicant for a first-class pilot's license requires the applicant to appear before the Commission for a personal interview. An interview is no longer necessary due to an initial interview when an individual applies to be an apprentice, as well as due to the training and examinations that occur while an individual is an apprentice. Once an apprentice becomes a sixth-class pilot, he obtains practical experience on increasingly larger vessels as he moves progressively each year through the six classes of licensure in this Commonwealth.

Finally, the proposed rulemaking is needed to make the regulations consistent with the regulations of the United States Coast Guard, Delaware (whose pilots are also licensed to pilot vessels on the Delaware River) and other states with similar state commissions (including Connecticut, Maine, Massachusetts, New Hampshire, New Jersey and New York). In fact, the 24 coastal states require state-licensed pilots to hold a Federal pilot's license, either by state statute, state regulation or local



pilot association rule or practice. For a discussion of the history and requirements of both Federal and state pilotage regulation, see Paul G. Kirchner and Clayton L. Diamond (2010-11), "Unique Institutions, Indispensable Cogs, and Hoary Figures: Understanding Pilotage Regulation in the United States," *U.S.F. Maritime Law Journal*, 23 (1), 168, 199.

#### *Description of Proposed Rulemaking*

##### *§ 405.7. Qualifications for license*

The Commission proposes to amend § 405.7(a)(3) to enhance public safety and to bring consistency with the regulations in Delaware, whose pilots are also licensed to pilot vessels on the Delaware River. The proposed amendment to § 405.7(a)(3) will require apprentices and renewing pilots (under § 405.12(a)(1)) to have a physical exam within 120 days (4 months) of the date of application or renewal. The Commission proposes this change from 6 months to 4 months to be consistent with regulations of the Delaware Board of Pilot Commissioners, which requires a physical exam within 120 days (24 Del.C. § 1000-6.0), and to provide for increased public safety.

Proposed amendments to § 405.7(a)(3) would require apprentices and pilots to use the current United States Coast Guard's Merchant Mariner Credential Medical Evaluation Report (medical report), which is nine pages of detailed medical questions, requirements and examination procedures in contrast to the current one-page form required by the Commonwealth. The increasing scrutiny provided in the United States Coast Guard's medical report will promote public health and safety by requiring pilots to undergo more rigorous health screening. This amendment also brings the regulation into conformity with Delaware, which already requires pilots who renew their licenses to use the Coast Guard's medical report. Because licensed pilots in this Commonwealth also hold active Federal pilot's licenses, most pilots already submit the United States Coast Guard's medical report with their license renewal information. Finally, § 405.7(a)(3) would be amended to update the name of the United States Coast Guard's medical report to its current name. The Commission proposes to retain the reference to the "current or successor form" in the event of further changes to the name of the United States Coast Guard's medical report.

The Commission also proposes to amend § 405.7(a)(6) to change the time frame for the completion of a Commission-approved course in bridge resource management (BRM) from 3 to 5 years of the date of application or renewal to correspond to the Delaware regulations (24 Del.C. § 1000-5.7). According to the American Pilots' Association (APA), this subject matter does not change often enough to require a new course every 3 years. The APA recommends that the renewal courses focus on developments in the BRM field over the preceding 5 years as a result of accidents, research, developments in technology and information resources and regulatory changes. Furthermore, this change is consistent with the requirement in § 405.7(a)(5) requiring a licensee to have been qualified as a radar observer by completing a course of instruction for radar observers within 5 years of the date of application or renewal. The current BRM course approved by the Commission is a 2-day course and includes the following topics: an overview of BRM; situational awareness; communications; risk management; regulatory

requirements; best practices in specific areas; an examination of recent accidents; new practices and technology; and studies dealing with BRM.

Proposed amendments to § 405.7(a)(10) require a pilot in this Commonwealth to hold an active Federal license before initially acquiring a Pennsylvania license and before renewing a Pennsylvania pilot's license, as Delaware requires. As previously noted, the United States Coast Guard's requirements for its current medical report are much more detailed and stricter than the current medical examination in this Commonwealth. As stated in section 4(c) and (d) of the United States Coast Guard's Navigation and Vessel Inspection Circular (NVIC) (No. 04-08, 2008), the specific requirements in the medical report reduce the subjectivity of the physical and medical evaluation process and promote more consistent evaluations, thereby resulting in a fairer process for pilots. As stated in section 5(b) of the NVIC, the United States Coast Guard believes that its detailed and stricter medical standards are necessary because "service on vessels may be arduous and impose unique physical and medical demands on mariners. The public safety risks associated with the medical and physical conditions of mariners on vessels are important considerations for the safe operation of vessels." Because the United States Coast Guard Federal medical requirements for a physical examination are stricter and more detailed than the current state requirements, the proposed rulemaking protects the public health, safety and the environment by ensuring that pilots are medically fit for duty. Licensed pilots in this Commonwealth steer oil tankers up and down the Delaware River. Pilots medically fit for duty protect the environment in and along the Delaware River and the beaches along the coast of the Atlantic Ocean.

Currently, § 405.7(b)(2) requires a first time applicant for a first-class pilot's license to appear before the Commission for a personal interview. The Commission proposes to delete this requirement. When applicants for apprenticeships are selected, they appear before the Apprentice Committee of the Commission, comprised of three members of the Commission. Apprentices receive extensive training and pass an intensive examination to become a sixth-class pilot. Individual pilots also obtain practical experience on smaller vessels as they move from sixth-class pilots up through the pilotage classes each year from sixth-class to first-class pilots. Pilots are required to pilot at least 52 vessels a year to renew a license. Therefore, the Commission determined that an interview for a first-time applicant for a first-class license is no longer necessary and should be removed.

The remaining proposed amendments in § 405.7(b) are editorial. Also, because the date of July 6, 2004, referenced in § 405.7(b)(1) has already passed it is proposed to be deleted from § 405.7(b).

##### *§ 405.8. Physical examination qualifications*

The Commission proposes to amend § 405.8 to change the name of the United States Coast Guard's medical report to its current name, or the successor form, if the name changes in the future. The Commission is also proposing a requirement that each pilot report to the Commission a pilot's request for waiver from the United States Coast Guard for any medical condition and report in 5 business days to the Commission the United States Coast Guard's decision on a waiver. The new language is

consistent with Delaware's regulation in 24 Del.C. § 1000-6.0. This requirement would keep the Commission apprised of changes in the medical status of a pilot licensed in this Commonwealth.

§ 405.12. *Renewal of license*

Proposed amendments to § 405.12(a)(1) update the cross reference to § 405.7(a)(1)—(6), (8) and (10), thereby requiring that these requirements for apprentices who seek a Pennsylvania license for the first time also apply to licensed pilots seeking license renewal, including the new requirement to hold and maintain an active Federal license.

The Commission proposes to add subsection (c) to provide notice that failure to satisfy the requirements of § 405.7(a)(1)—(6), (8) and (10) may result in the pilot's Pennsylvania license not being renewed until receipt of documentation necessary to assure compliance with the requirement in question. The necessary documentation will vary depending on which requirement has not been satisfied. This amendment is necessary to clarify that a Pennsylvania pilot's license may result in the license not being renewed, at the Commission's discretion, if the pilot does not hold an active Federal license at the time of license renewal.

§ 405.36. *Federal license*

The Commission proposes to add this section for requirements pertaining to a Federal license. In subsection (a), the Commission requires disclosure within 14 calendar days if the United States Coast Guard suspends, revokes or accepts the voluntary deposit or voluntary surrender of a pilot's Federal license. Under 46 CFR 5.201 (relating to voluntary deposits in event of mental or physical incompetence), a pilot may voluntarily deposit a Federal license in the event of a physical or mental condition or impairment under a "voluntary deposit agreement." Under a voluntary deposit agreement, a pilot places his Federal license in inactive status and may not perform duties on a merchant vessel of the United States during the time that the Federal license is inactive. A pilot may request the return of a voluntarily deposited license at any time provided he can demonstrate a satisfactory rehabilitation or cure of the condition that led to the voluntary deposit. A pilot may elect to voluntarily surrender a Federal license under 46 CFR 5.203 (relating to voluntary surrender to avoid hearing) instead of appearing at a disciplinary hearing. However, a voluntary surrender is the equivalent of a revocation and the pilot shall apply for issuance of a new credential under 46 CFR 5.901—5.905 (relating to issuance of new credential or endorsement after revocation or surrender).

The new disclosure requirements will keep the Commission apprised of changes in the status of a pilot's Federal license. This language is also consistent with practices among the other professional and occupational licensing boards within the Department of State. Eighteen of the 29 licensing boards and commissions in the Bureau of Professional and Occupational Affairs have some form of self-reporting in their licensing statutes for licenses that are inactive or disciplinary action taken against licensees in other states.

Proposed § 405.36(b) makes it clear that the Commission will provide a state pilot with notice and an opportunity for a hearing if the pilot's Federal license is suspended, revoked, voluntarily surrendered or voluntarily deposited. This proposed subsection is based on section 31(c) of the act (55 P. S. § 72(c)), which requires notice and an opportunity to be heard before a pilot's state license is restricted, suspended or revoked.

*Fiscal Impact*

The proposed rulemaking should not have fiscal impact on the Commonwealth, the general public or political subdivisions. There is a cost savings to the Commission's licensees. Although Pennsylvania licensed pilots have a Federal license by current practice, the cost of a Federal license is \$95 every 5 years for a cost of \$760 per year for the 40 licensed pilots of the first-class through fifth-class. This cost is more than offset by the cost savings to Pennsylvania licensed pilots, who will be required to take the course in BRM every 5 years instead of every 3 years. The cost of this 2-day course is \$960 per pilot. The estimated annual cost savings to the regulated community resulting from reducing the frequency of the required course is \$5,248. Subtracting the costs of \$760 from the savings of \$5,248, this will result in a net cost savings of \$4,488 every year for the regulated community of Pennsylvania licensed pilots.

*Paperwork Requirements*

The proposed rulemaking does not create additional paperwork for the Commission, its licensees or the general public. The proposed rulemaking confirms the present practices of the Commission's licensees.

*Sunset Date*

The Commission continuously monitors its regulations. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 21, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons should submit written comments, suggestions or objections regarding this proposed rulemaking to Barbara Dupler, Commission Administrator, Navigation Commission for the Delaware River and Its Navigable Tributaries, 302 North Office Building, Harrisburg, PA 17120, [bdupler@pa.gov](mailto:bdupler@pa.gov) within 30 days of publication in the *Pennsylvania Bulletin*. When submitting comments, reference No. 16A-663, Navigation Commission General Revisions.

CAROL AICHELE,

*Secretary of the Commonwealth  
Chairperson, Navigation Commission for the Delaware  
River and Its Navigable Tributaries*

**Fiscal Note:** 16A-663. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART XIII. NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

CHAPTER 405. PILOTS AND PILOTAGE

§ 405.7. Qualifications for license.

(a) An applicant for the initial issuance of a pilot's license in any class shall:

\* \* \* \* \*

(3) Have passed a physical examination within [ 6 months ] 120 days of the date of application based on the requirements of § 405.8 (relating to physical qualifications), as evidenced by a physician's statement. As proof of a physical examination, [ pilots may ] apprentices and pilots shall submit the current or successor form of the "Merchant [ Marine Personnel Physical Examination ] Mariner Credential Medical Evaluation Report" of the United States Coast Guard. Physical examinations may also be ordered by the Commission for any pilot or applicant at any time that there is cause to believe that the physical condition of the pilot or applicant may be so impaired as to impact the pilot or applicant's ability to discharge his duties.

\* \* \* \* \*

(6) Have completed a Commission-approved course in bridge resource management within [ 3 ] 5 years of the date of application or renewal.

\* \* \* \* \*

(9) Pay the required license fee, as specified in § 405.15 (relating to initial license and license renewal fee).

(10) Hold and maintain an active Federal first-class pilot's license and endorsement for the routes to be traversed, unless waived by the Commission.

(b) In addition to meeting the requirements of subsection (a), a first-time applicant for a first-class pilot's license shall[ ] :

(1) Have ] have completed 40 hours of Commission-approved continuing education in navigation, ship handling or related topics within the preceding 5 years. Courses in the required areas of radar observer, ARPA and bridge resource management may count towards the 40-hour total. The Commission will approve the education facilities that qualify to provide this education. [ This continuing education requirement becomes effective July 6, 2004.

(2) Have appeared before the Commission for a personal interview. ]

\* \* \* \* \*

§ 405.8. Physical examination qualifications.

The physical qualifications for a pilot or apprentice are as follows:

\* \* \* \* \*

(3) The absence of any medical condition that may directly affect one's ability to pilot a ship safely, as noted on the current or successor form of the "Merchant

[ Marine Personnel Physical Examination ] Mariner Credential Medical Evaluation Report" of the United States Coast Guard. A pilot shall report to the Commission concerning the pilot's request for a waiver under 46 CFR 10.215(g) (relating to medical and physical requirements) from the United States Coast Guard for any medical condition, as well as the results of a waiver request. The initial report to the Commission shall be made at the same time that the waiver request is made to the United States Coast Guard. A copy of the United States Coast Guard's decision on the waiver request shall be provided to the Commission within 5 business days of the pilot's receipt of the waiver decision.

§ 405.12. Renewal of license.

(a) An applicant for renewal of a pilot's license in any class shall:

(1) Have satisfied the requirements of § 405.7(a)(1)—(6) [ and ], (8) and (10) (relating to qualifications for license).

(2) Pay the required renewal fee, as specified in § 405.15 (relating to initial license and license renewal fee).

(b) In addition to meeting the requirements of subsection (a), an applicant for renewal of a first class pilot's license shall have completed 40 hours of Commission-approved continuing education in navigation, ship handling or related topics within the preceding 5 years. Courses in the required areas of radar observer, automatic radar plotting aids (ARPA) and bridge resource management may count towards the 40-hour total. The Commission will approve the education facilities that qualify to provide this education. This continuing education requirement shall become effective July 6, 2004.

(c) Failure to satisfy any of the requirements of § 405.7(a)(1)—(6), (8) and (10) may result in the license not being renewed by the Commission until receipt of documentation to assure compliance with the requirement in question.

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

§ 405.36. Federal license.

(a) A pilot shall notify the Commission within 14 calendar days if the United States Coast Guard suspends or revokes a pilot's Federal license or when a pilot voluntarily deposits or voluntarily surrenders his Federal license with the United States Coast Guard under 46 CFR 5.201—5.205 (relating to deposit or surrender of Coast Guard credential or endorsement), thereby making the pilot's Federal license inactive.

(b) If the United States Coast Guard suspends, revokes or accepts the voluntary deposit or voluntary surrender of the license of a Federal pilot, the Commission may, after notice and an opportunity for a hearing in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), revoke, suspend, limit or otherwise restrict the pilot's state license.

[Pa.B. Doc. No. 13-610. Filed for public inspection April 5, 2013, 9:00 a.m.]

# STATE BOARD OF BARBER EXAMINERS

[ 49 PA. CODE CH. 3 ]

## Fees

The State Board of Barber Examiners (Board) proposes to amend § 3.103 (relating to fees) to read as set forth in Annex A. The proposed rulemaking would provide for increases to the biennial license renewal fees for licensees of the Board and would also adjust certain application fees to cover the costs of processing applications.

### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new application fees will be implemented immediately upon publication of the final-form rulemaking. The new biennial renewal fees will take effect for the biennial period beginning May 1, 2014.

### *Statutory Authority*

Section 14(b) of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 564(b)), known as the Barbers' License Law (act), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

### *Background and Need for proposed Rulemaking*

Under section 14 of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the vast majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

The biennial renewal fees have not been increased since 1988. Biennial renewal fees support the general operations of the Board. Licensees are charged the biennial renewal fees when they renew their licenses which expire on April 30 of even-numbered years. Application fees, on the other hand, are intended to offset the costs associated with the processing of the various applications and related inspections. The last time application fees were adjusted was in 2001.

At the June 25, 2012, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2009-2010 and 2010-2011 and projected revenue and expenses through FY 2014-2015. The BFO pointed out that as of June 2012, in spite of it being a renewal year, the Board incurred a deficit of \$46,816.71. Projected revenues for FY 2012-2013, a nonrenewal year, were estimated at approximately \$85,000. However, the Board's projected expenditures for the current fiscal year are in the area of \$640,000, resulting in a projected deficit as of June 2013 of \$601,816.71. The BFO projected that, without an increase to the biennial renewal fees, the Board will incur additional deficits totaling approximately \$686,816.71 in FY 2013-2014 and \$1,281,816.71 in FY 2014-2015. At that time, the BFO recommended that the Board consider increasing the biennial renewal fees by 205% to recoup the existing deficits and provide adequate revenues to

meet the Board's operational needs. The Board voted to table the matter until the August 2012 meeting and asked the BFO to provide them with some options.

Thereafter, representatives from the BFO returned to the August 20, 2012, Board meeting. At that time, they presented the Board with four options. The first option was to consider not increasing fees, which would result in a continually growing deficit projected to reach \$5 million by FY 2022-2023. The next option proposed was a one-time 200% increase in biennial renewal fees effective in April 2014. This option eliminates all deficits by the end of FY 2017-2018 and provides a positive, albeit declining, balance in the Board's account through FY 2023-2024. The third option proposed would break the 200% increase down into two increments, one taking effect in April 2014 and the second taking effect in April 2018. This proposal results in continued deficits through FY 2023-2024. Finally, the BFO presented as a fourth option, the fee increase that the Board had previously considered, which included an increase of 125% to take place in FY 2013-2014, followed by an increase of an additional \$15 for all license categories to take place in FY 2015-2016. This option also fails to eliminate the deficits into the foreseeable future.

Thus, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures in compliance with section 14 of the act. As a result, the Board voted to increase the biennial renewal fees by 200% to be effective with the April 30, 2014, renewal. The Board finds this to be the only viable option that will eliminate the deficits and place the Board on firm financial ground so that the Board can continue to carry out its legislative mandate in the interests of the public health, safety and welfare. In addition, the Board previously voted to adjust certain application fees to more appropriately reflect the current costs of processing the applications. These adjustments are also included in this proposed rulemaking.

### *Description of Proposed Amendments*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 3.103 to increase the biennial renewal fees for all classes of licensees. The biennial renewal fees will increase in 2014 by 200%: from \$42 to \$126 for barbers; from \$62 to \$186 for barber shop managers; from \$67 to \$201 for barber teachers; from \$72 to \$216 for barber shops; and from \$112 to \$336 for barber schools.

In addition, as a result of the review of the application fees conducted by the BFO, the Board proposes to increase the fee for initial licensure by reciprocity from \$20 to \$55, as the existing fee is no longer adequate to cover the costs associated with processing the application. Likewise, the application fee for initial licensure of a barber shop, currently set at \$55, is insufficient to cover the costs associated with processing the application and conducting the required inspection. Therefore, the Board voted to increase the fee to \$110. Conversely, the current fee for initial licensure of a barber school, which was increased in 2001 from \$100 to \$280, has proven to be excessive when compared to the actual costs associated with processing an application for licensure of a barber school, along with the required inspection. Therefore, the Board proposes a reduction in this fee from \$280 to \$140. There are two fees the Board charges when a barber shop proposes a change depending on whether the proposed

change requires an inspection. The Board is proposing to increase the fee when an inspection is required from \$55 to \$90 and when an inspection is not required from \$15 to \$40. Similarly, the fee to reinspect a shop or school after a failed inspection is proposed to increase from \$40 to \$90. Again, these increases are needed to cover actual costs associated with processing the applications and conducting the inspections.

*Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fees for licensees of the Board. There are currently approximately 9,344 licensees that will be required to pay more to renew their licenses when they expire on April 30, 2014. In addition, applicants for various licenses will incur greater costs associated with processing applications and conducting inspections. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

*Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. However, the proposed amendment will not create additional paperwork for the regulated community or for the private sector.

*Sunset Date*

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 25, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons should submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

JOHN E. PAYNE, Jr.,  
*Chairperson*

**Fiscal Note:** 16A-428. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**  
**SCHOOLS OF BARBERING**

**§ 3.103. Fees.**

The schedule of fees charged by the Board is as follows:

	* * * * *	
Licensure of barber by reciprocity . . . . .	[ \$20 ]	\$55
Licensure of barber shop . . . . .	[ \$55 ]	\$110
Licensure of barber school . . . . .	[ \$280 ]	\$140
Biennial renewal of barber license . . . . .	[ \$42 ]	\$126
Biennial renewal of barber shop manager license . . . . .	[ \$62 ]	\$186
Biennial renewal of barber teacher license . . . . .	[ \$67 ]	\$201
Biennial renewal of barber shop license . . . . .	[ \$72 ]	\$216
Biennial renewal of barber school license . . . . .	[ \$112 ]	\$336
Change in barber shop—inspection required . . . . .	[ \$55 ]	\$90
Change in barber shop—no inspection required . . . . .	[ \$15 ]	\$40
Reinspection after first fail—new or change (shop or school) . . . . .	[ \$40 ]	\$90
	* * * * *	

[Pa.B. Doc. No. 13-611. Filed for public inspection April 5, 2013, 9:00 a.m.]

**STATE BOARD OF COSMETOLOGY**

[ 49 PA. CODE CH. 7 ]

**Fees—Cosmetology**

The State Board of Cosmetology (Board) proposes to amend § 7.2 (relating to fees) to read as set forth in Annex A. The proposed rulemaking would provide for an increase to the biennial license renewal fees for all licensees and would also increase certain application fees to cover the costs of processing applications.

*Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. The new application fees will be implemented immediately upon publication of the final-form rulemaking. It is anticipated that the new biennial renewal fees will be implemented with the license renewals that are due by January 31, 2015.

*Statutory Authority*

Section 16(d) of the act of May 3, 1933 (P. L. 242, No. 36) (63 P. S. § 522(d)), known as the Cosmetology Law (act), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

*Background and Need for Amendment*

Under section 16(d) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the vast majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees.

In 2009, the Board voted to increase biennial renewal fees by 75% and to increase various application fees to cover the costs associated with processing the applications. However, due to circumstances beyond the Board's control, the regulations to implement those increases were not promulgated since that time.

Subsequently, at the July 9, 2012, Board meeting, representatives of the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2009-2010 through 2010-2011 and projected revenue and expenses through FY 2014-2015. As of the end of FY 2011-2012, the Board had incurred a deficit of over \$2 million. The BFO projected that, without an increase to the biennial renewal fee, the Board would incur a deficit of \$2,958,537 by the end of FY 2012-2013, a deficit of \$3,928,537.56 by the end of FY 2013-2014 and a deficit of \$4,968,537 by the end of FY 2014-2015, with no end in sight to the mounting deficits. Therefore, the BFO recommended that the Board raise fees to meet or exceed projected expenditures in compliance with section 16(d) of the act.

At the present fee level, the Board produces approximately \$6.15 million in revenue over a 2-year period. Conversely, the Board is budgeted to spend \$3.9 million in the current fiscal year and an estimated \$4.02 million in FY 2013-2014, or a deficit of over \$1.77 million during the biennial cycle. The disparity in the amount of revenue capable of being produced over a 2-year period and the amount that is being expended requires the Board to now implement a 90% fee increase to sustain the required level of operations and eliminate the projected deficits. As a result, the Board voted to increase the biennial renewal fees in this proposed rulemaking. The BFO anticipates that the proposed fees will enable the Board to recoup the existing deficits by the end of FY 2017-2018, avoid future deficits and place the Board back on solid financial ground.

*Description of Proposed Amendments*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 7.2 to increase the biennial renewal fees for all classes of licensees. The biennial renewal fee for cosmetologists, nail technicians, estheticians and natural hair braiders will increase from \$35 to \$67. The biennial renewal fee for cosmetology and limited practice teachers will increase from \$55 to \$105. The biennial renewal fee for cosmetology and limited practice salons will incur an increase in from \$60 to \$114. Finally, biennial renewal of cosmetology school licenses will increase from \$150 to \$285. Approxi-

mately half of the licenses renew as of February 1 of even-numbered years (nail technicians, nail technology teachers, half of cosmetologists, cosmetology teachers and cosmetology schools) and half renew as of February 1 of odd-numbered years (estheticians, esthetics teachers, esthetician salons, nail technician salons, cosmetology salons, natural hair braiders, natural hair braiding teachers, natural hair braiding salons and half of cosmetologists). The Board anticipates that the regulations needed to implement the proposed increases in biennial renewal fees will be in place in time to go into effect for the 2015 renewals.

In addition, as a result of the review of the application fees conducted by the BFO, the Board proposes increases to the fees for the processing of applications for initial licensure of cosmetology and limited practice salons from the current level of \$55 to \$100. The proposed fee schedule would increase the fee for cosmetology schools from \$160 to \$180. Initial licensure of a salon or school requires an inspection by a Regulatory Enforcement Inspector, in addition to the time spent processing the application by Board staff. The existing fees are inadequate to cover the costs of processing the application and performing the inspection. In addition, the Board is proposing to increase the fees required to process a change in a salon license when an inspection is required from \$55 to \$85 and for reinspection of a salon or school from \$40 to \$85. Again, the existing fees are inadequate to cover the costs involved in processing the applications and performing the required inspections. In addition, it has been determined that the fee for processing a change to a salon license when an inspection is not required is also inadequate to cover the cost of processing the change application. Therefore, the Board is proposing an increase from \$15 to \$30. Finally, the Board is proposing to increase the fees for processing an application for licensure by reciprocity from \$20 to \$60. Initial licensure by reciprocity is significantly more involved than licensure by examination and requires more staff time to process.

*Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fees for all licensee classifications. There are currently about 131,335 licensees expected to renew their licenses during the 2015 and 2016 renewal cycles. In addition, applicants for various licenses will incur greater costs associated with processing applications and conducting inspections. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions.

*Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. However, the proposed rulemaking will not create additional paperwork for the private sector.

*Sunset Date*

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 25, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate

Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons should submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication in the Pennsylvania Bulletin.

MARY LOU ENOCHES, Chairperson

Fiscal Note: 16A-4515. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY GENERAL PROVISIONS

§ 7.2. Fees.

Fees charged by the Board are as follows:

\* \* \* \* \*

Licensure of cosmetology salon or limited practice salon... [ \$55 ] \$100

Licensure of cosmetology school... [ \$160 ] \$180

Licensure by reciprocity... [ \$20 ] \$60

\* \* \* \* \*

Biennial renewal of nail technician license... [ \$35 ] \$67

Biennial renewal of esthetician license... [ \$35 ] \$67

Biennial renewal of cosmetologist license... [ \$35 ] \$67

Biennial renewal of natural hair braider license... [ \$35 ] \$67

Biennial renewal of cosmetology teacher or limited practice teacher license... [ \$55 ] \$105

Biennial renewal of cosmetology salon or limited practice salon license... [ \$60 ] \$114

Biennial renewal of cosmetology school license... [ \$150 ] \$285

\* \* \* \* \*

Change in cosmetology salon or limited practice salon (inspection required)... [ \$55 ] \$85

Change in cosmetology salon or limited practice salon (no inspection required)... [ \$15 ] \$30

\* \* \* \* \*

Reinspection of cosmetology salon or limited practice salon or cosmetology school... [ \$40 ] \$85

\* \* \* \* \*

[Pa.B. Doc. No. 13-612. Filed for public inspection April 5, 2013, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[ 49 PA. CODE CH. 33 ]

Fees

The State Board of Dentistry (Board) proposes to amend §§ 33.3 and 33.339 (relating to fees; and fees for issuance of permits) to read as set forth in Annex A.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the Pennsylvania Bulletin. While the increased application fees will be implemented immediately thereafter, it is anticipated that the increased biennial renewal fees will be implemented with the March 31, 2015, biennial renewal.

Statutory Authority

Section 4(b) of The Dental Law (act) (63 P. S. § 123(b)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

Background and Need for the Proposed Rulemaking

Under section 4(b) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from application fees and civil penalties.

Of the biennial renewal fees targeted for increase in this proposed rulemaking, the local anesthesia permit and public health dental hygiene practitioner certification renewal fees were established in 2009 and this is the first proposed increase. The last time biennial renewal fees were increased was in 2005 when only the dental license and Restricted II anesthesia permit renewal fees were increased. Dentist biennial renewal fees were increased from \$100 to \$250 and Restricted II anesthesia permits were increased from \$25 to \$50 at that time. Prior to that, the biennial renewal fees for expanded function dental assistants (EFDA) were adopted in 1998 and have never been increased. Dental hygienist biennial renewal fees have not been raised since 1995 when they increased from \$25 to \$40. The remaining anesthesia permit renewal fees were adopted in 2005 and have not been increased.

As to application fees, in 1998, the application fees for dentists and dental hygienists were increased from \$15 to

\$20 and the EFDA application fee was established at \$20 at that time. These fees have not been increased in the last 14 years. The dental radiology, dental faculty notification and postgraduate training notification fees were established in 2004 and have never been increased.

At the December 16, 2011, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2009-2010 and 2010-2011 and projected revenue and expenses through FY 2014-2015. At the current fee levels, the Board receives revenue of approximately \$3,231,560 over a 2-year period, while budgeted expenditures for the next 2 fiscal years (FYs 2012-2013 and 2013-2014) are projected at \$3.512 million or which is a deficit of \$280,440. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures, in compliance with section 4(b) of the act. When the BFO first alerted the Board that fee increases were necessary, the Board was looking at increases in biennial renewal fees in the range of 25 to 35%. Later, the Board asked the BFO to provide some alternatives that would not only address biennial renewal fees but also look at application fees because the Board's application fees seemed unusually low compared to other states and many had not been increased since the 1990s. At the April 27, 2012, Board meeting, the BFO presented numerous scenarios with various combinations of biennial renewal fee increases and application fee increases. It was determined that by raising application fees to be more realistic and consistent with surrounding states, the percentage increase to biennial renewal fees, borne by all licensees, could be lower.

As a result, the Board voted at its July 27, 2012, meeting to increase the various application fees to more realistically cover the costs associated with processing those applications and to be consistent with other states and also approved a modest 5% increase in biennial renewal fees as set forth in Annex A. The proposed new biennial renewal and application fees will enable the Board to avoid the projected deficits and meet its estimated expenditures for a number of years to come.

#### *Description of Proposed Amendments*

The proposed rulemaking would amend §§ 33.3 and 33.339 to increase application fees to more realistically reflect the current costs associated with processing the applications and to increase biennial renewal fees for various licenses, certificates and permits issued by the Board by 5% to produce adequate revenue to meet projected expenditures as required under section 4(b) of the act.

Specifically, the application fees for initial licensure as a dentist will increase to \$200. For dental hygienists and EFDAs, the application fees will increase to \$75. In addition, the application fee for dental radiology authorization will increase to \$75, as will the notification application for postgraduate trainees and faculty members. Biennial renewal fees for dentists will increase to \$263, for dental hygienists to \$42 and for EFDAs to \$26. Biennial renewal fees for public health dental hygiene practitioners will likewise increase to \$42, as will the biennial renewal fee for local anesthesia permits for dental hygienists. Finally, the biennial renewal fee for unrestricted and Restricted I anesthesia permits will increase to \$210 and for Restricted II anesthesia permits to \$53.

Finally, the temporary EFDA permit fee is proposed to be deleted because the Board no longer issues temporary

permits. Temporary permits were established in 1995 under section 11.7 of the act (63 P.S. § 130h) as a temporary measure until a certification examination became available and temporary permits were valid only until the results of the first certification examination.

#### *Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fees for licensees of the Board. There are currently approximately 25,300 licensees that will be required to pay more to renew their licenses when they expire in 2015 and thereafter. In addition, increased application fees will impact individuals who apply for initial licenses. Small businesses will be impacted to the extent that they elect to pay the fees on behalf of their licensed employees. Because three out of four dentists are self-employed and 95% of licensees work in dental offices, the vast majority of the Board's licensees work in small businesses. The Board processes an average of approximately 2,000 applications each year. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

#### *Paperwork Requirements*

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fees. However, the proposed rulemaking will not create additional paperwork for the regulated community or for the private sector.

#### *Sunset Date*

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 25, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comment*

Interested persons should submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication in the *Pennsylvania Bulletin*. On comments, reference Regulation No. 16A-4627—Fees.

PHILIP T. SIEGEL, D.D.S.,  
Chairperson

**Fiscal Note:** 16A-4627. No fiscal impact; (8) recommends adoption.



Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

(a) Following is the schedule of fees charged by the Board:

Table listing various dental fees such as 'Application fee—dentists', 'Criteria approval application fee', and 'Biennial renewal fee' with associated amounts and codes.

§ 33.339. Fees for issuance of permits.

The following fees are charged for the issuance of permits under this subchapter:

Table listing permit fees: (1) Unrestricted permit, (2) Restricted permit I, (3) Restricted permit II, with renewal amounts like [ \$200 ] \$210.

[Pa.B. Doc. No. 13-613. Filed for public inspection April 5, 2013, 9:00 a.m.]

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15 ]

Continuing Education and Elimination of Registration without Examination

The State Board of Landscape Architects (Board) proposes to rescind § 15.56 (relating to registration without examination) and amend §§ 15.72 and 15.80 (relating to requirement for biennial renewal; and retention of records) to read as set forth in Annex A.

Effective Date

The proposed rulemaking will be effective upon final publication in the Pennsylvania Bulletin.

Statutory Authority

The proposed amendments to §§ 15.56 and 15.72 are mandated by the Act 24 amendments to sections 6(c) and 9.1(b) of the act (63 P. S. §§ 906(c) and 909.1(b)).

Background and Purpose

In 2009, the General Assembly amended the act to eliminate licensure through an outdated "grandfathering" provision, which previously authorized the Board to register applicants who had practiced landscape architecture for at least 10 or 15 years.

Board. After the enactment of Act 24, the Board sent two newsletters in 2010 to its licensees telling them of the increased continuing education requirement and also published a notice on its web site. Although the Board initially anticipated that the increased continuing education requirement would be implemented during the 2011-2013 biennium, to give sufficient notice to licensees at this time, the Board proposes to designate the 2013-2015 licensure period (from June 1, 2013, through May 31, 2015) as the licensure period in which licensees will first be required to complete the increased number of 24 hours in continuing education as a condition of renewal in 2015. The Board plans to continue informing its licensees of the increased continuing education requirement through future newsletter articles and a notice on the Board's web site. To that end, on November 21, 2012, the Board posted a notice on its web site of the increased continuing education requirement to take 14 additional credit hours of continuing education by May 31, 2015, to renew a license. In the notice, the Board informed licensees that this is what the Board is proposing by this proposed rulemaking and that the Board will keep its licensees apprised when this proposed rulemaking becomes effective.

#### *Description of the Proposed Rulemaking*

The Board proposes to rescind § 15.56 because Act 24 deleted the provisions in section 6(c)(ii) of the act that permitted a "grandfathering" provision for two types of applicants. First, an applicant with 10 years of active experience as a landscape architect who also was a graduate of an approved institution could have become licensed. Second, an applicant with 15 years of active experience who was not a graduate of an approved institution could have become licensed. The Board implemented these provisions in § 15.56(a)(1) and (2). They are no longer needed due to Act 24. Also included in § 15.56(a)(3) is a provision which provides for individuals who have passed the examination in another state. Although not affected by Act 24, the Board is also proposing to delete this provision because it is already covered in § 15.57(a) (relating to registration by endorsement). Subsection (b) is also no longer necessary because it deals with the procedure to implement the requirements in subsection (a)(1) and (2). Therefore, it is appropriate to rescind this section.

Act 24 also made two changes in section 9.1(b) of the act that are incorporated in the proposed amendments to § 15.72(a). The first change is that Act 24 increased the continuing education hours for landscape architects from 10 to 24 during each biennial renewal period. The Board proposes to amend § 15.72(a) to incorporate this change and clarify the continuing education requirement for the current 2011-2013 biennium. The second change is that Act 24 gave the Board the authority to designate when the increased continuing education requirements will be implemented. Although the Board initially anticipated that the increased continuing education requirement would be implemented for the 2011-2013 biennium, these proposed amendments would now provide that the increased continuing education hours will be required to be completed for the first time during the 2013-2015 biennium (from June 1, 2013, through May 31, 2015) and will continue thereafter. The practical effect of this requirement is that a licensed landscape architect will have to take 14 additional credit hours of continuing education by May 31, 2015, to renew a license. As it has done since 2010, the Board will continue to inform its licensees of

the increased continuing education requirements through the Board's newsletters and through a notice on the Board's web site.

The Board also proposes to amend § 15.72(c) to make it consistent with subsection (a) for licensees who reactivate a lapsed license. Finally, the Board proposes to add § 15.72(d) to allow a licensee to carry over a maximum of 12 continuing education credits (half of the newly required 24 credits) into the subsequent renewal period. A carry-forward provision would encourage licensees to maximize the continuing education they take and not be deterred from taking continuing education if they do not need it for credit during the current biennial cycle. In other words, if a licensee has already taken the required continuing education credits and then sees an excellent course to take in the final months of the continuing education renewal period, the licensee will receive future credit for taking this course. A positive consequence of the carry-forward provision is also that licensees who took additional continuing education courses during the 2011-2013 biennium in anticipation of the Board's implementation of Act 24 will now be able to carry forward up to 12 of those credits. For example, if a licensee obtained 22 continuing education credits during the 2011-13 biennial from June 1, 2011, through May 31, 2013, that licensee can carry over the extra 12 continuing education credits into the next renewal period of 2013-2015. In this example, that licensee would only need to obtain 12 additional continuing education credits from June 1, 2013, through May 31, 2015, to renew a license.

In § 15.80(a) and (c), the Board proposes to increase from 4 to 6 years the time licensees and course providers are required to retain continuing education documentation. Because the Board audits continuing education after the close of a biennial renewal period, providing this extra time assists the Board in conducting a thorough audit of courses taken in the past. Furthermore, with § 15.72(d) allowing a licensee to carry forward 12 continuing education credits into the subsequent renewal period, a licensee will be better able to document credits that are carried forward.

#### *Fiscal Impact*

The proposed rulemaking should not have a major fiscal impact on the Commonwealth, the general public or political subdivisions. Due to the requirement in Act 24, the Board's 1,006 active licensees will have to pay for 14 additional continuing education hours of instruction. The Board estimates that the cost to a licensee for the additional continuing education hours is approximately \$434 per biennium (or \$217 per year).

#### *Paperwork Requirements*

The proposed rulemaking will require the Board to change the number of continuing education credits on biennial renewal forms. However, the proposed rulemaking does not increase paperwork for the general public. The Board's licensees shall maintain records of their additional continuing education credits. However, they are not required to complete additional reports.

#### *Sunset Date*

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 21, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory

Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons should submit written comments, suggestions or objections regarding this proposed rulemaking to Louis Lawrence Boyle, Regulatory Unit Counsel, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days of publication in the *Pennsylvania Bulletin*. When submitting comments, reference No. 16A-6110 Landscape Architecture Continuing Education and Elimination of Registration without Examination.

DANIEL S. DIMUCCI, L.A.,  
Chairperson

**Fiscal Note:** 16A-6110. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS EXAMINATIONS**

§ 15.56. [Registration without examination] (Reserved).

[ (a) *Requirements.* An applicant who meets one or more of the following requirements is eligible for registration without examination:

(1) An individual who possesses 10 years of practical experience in landscape architecture, of a grade and character satisfactory to the Board, and who has graduated from an approved institution.

(2) An individual who possesses 15 years of practical experience in landscape architecture of a grade and character satisfactory to the Board.

(3) An individual who has passed the examination in another state with a score required by the Board and who has met the education experience requirements of the act.

(b) *Procedure.*

(1) Prior to issuing a license without examination, the Board will require the applicant to appear before representatives of the Board for an interview. The applicant will be required to submit the following work samples to the representatives during the interview:

- (i) Site and development plans.
- (ii) Specifications and drawings.
- (iii) Grading and drainage plans.
- (iv) Layout plans.
- (v) Planting plans.
- (vi) Stormwater management plans and calculations.
- (vii) Site construction details and specifications.
- (viii) Photographs of completed projects.
- (ix) Evidence of cost estimating and supervision of construction.
- (x) A variety of project types including experience with residential subdivision, commercial land developments, environmental projects and park and recreation projects.

(2) Submission of work samples.

(i) The applicant shall submit original work samples in support of an application for registration without examination, unless the Board agrees to accept photocopies for good cause shown by the applicant.

(ii) The work samples will be returned to the applicant at the conclusion of all proceedings related to the application.

(3) Prior to issuing a license without examination, the Board will review the applicant's qualifications, and by a majority vote approve or disapprove the application.

(4) If an application has been disapproved, the Board may vote to allow the applicant to take the written examination. ]

**CONTINUING EDUCATION**

§ 15.72. Requirement for biennial renewal.

(a) [ As a condition of biennial renewal commencing with the 2003 biennium and continuing thereafter, licensees shall have completed during the preceding biennium 10 clock hours of continuing education in acceptable courses approved under this subchapter. ] During each biennial period from the 2001-2003 biennium (from June 1, 2001, through May 31, 2003) and continuing through the 2011-2013 biennium (from June 1, 2011, through May 31, 2013), a licensee shall complete 10 clock hours of continuing education in accordance with this subchapter as a condition of biennial renewal. During each renewal period beginning with the 2013-2015 biennium (from June 1, 2013, through May 31, 2015) and continuing thereafter, a licensee shall complete 24 clock hours of continuing education in accordance with this subchapter as a condition of biennial renewal.

\* \* \* \* \*

(c) A licensee who wishes to reactivate a lapsed license or who has been on inactive status shall have completed [ 10 ] the required number of clock hours of continuing education in subsection (a) in the 2-year period immediately prior to reactivation.

**(d) If a licensee exceeds the required number of clock hours of continuing education in a renewal period, the licensee may carry forward a maximum of 12 continuing education clock hours into the subsequent renewal period.**

**§ 15.80. Retention of records.**

(a) The licensee shall retain copies of licensure renewal forms and the certificates, transcripts or other acceptable documentation of completion of the prescribed number of clock hours for [ 4 ] 6 years following completion of the course. Records and documentation shall be produced upon demand by the Board or its auditing agents. The

Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.

\* \* \* \* \*

(c) A provider shall retain records for [ 4 ] 6 years following the presentation of a course which shall document the successful completion of a course and the number of clock hours granted to every licensee. Copies of transcripts, certificates or other documentation shall be made available to a licensee upon request.

[Pa.B. Doc. No. 13-614. Filed for public inspection April 5, 2013, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective March 21, 2013.

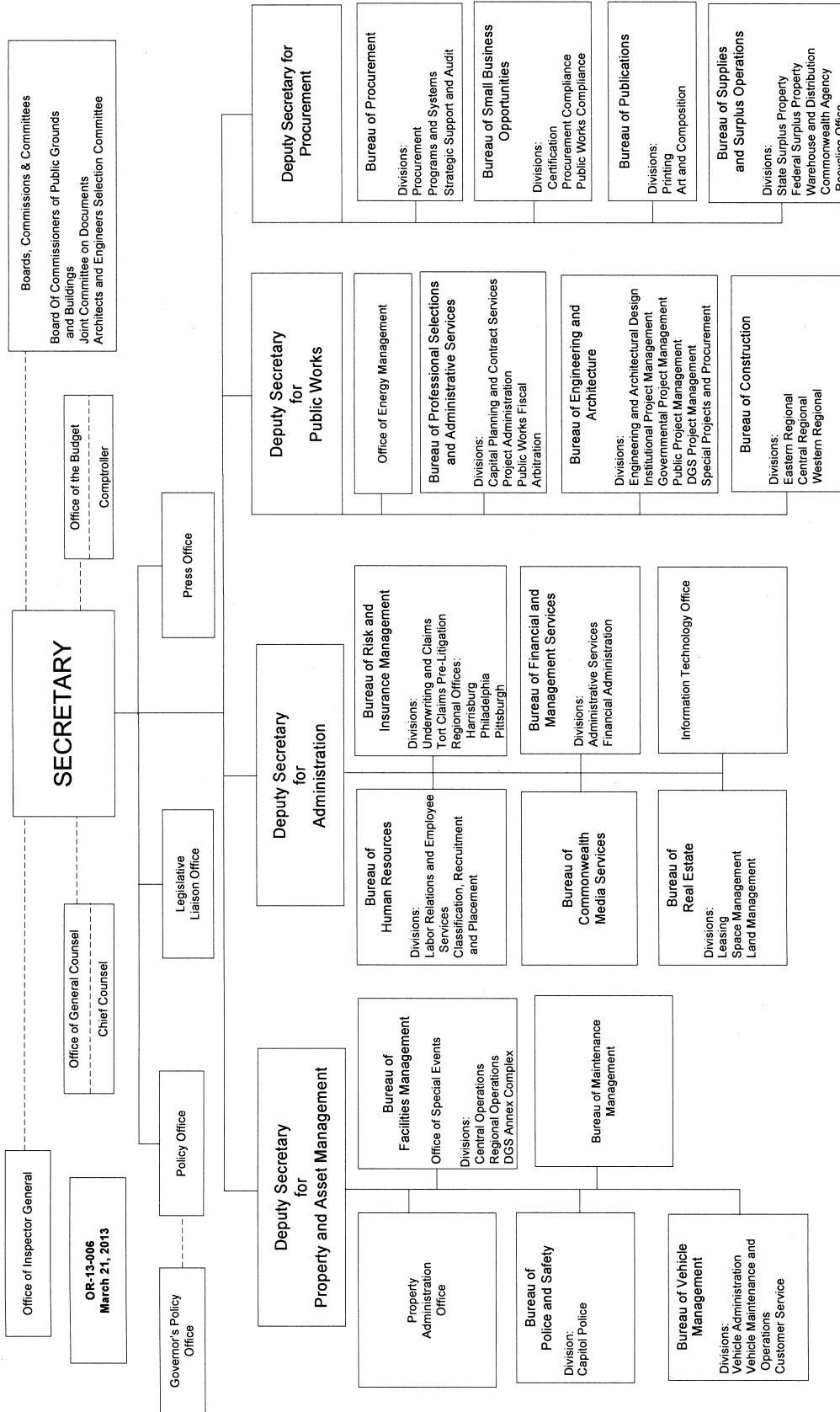
The organization chart at 43 Pa.B. 1864 (April 6, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 13-615. Filed for public inspection April 5, 2013, 9:00 a.m.]

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DEPARTMENT OF GENERAL SERVICES



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 26, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-20-2013	Penns Woods Bancorp, Inc. Williamsport Lycoming County  Application for approval to acquire 100% of Luzerne National Bank Corporation, Luzerne.	Approved

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
3-26-2013	3rd Fed Bank Newtown Bucks County  Application for approval to merge Roebing Bank, Roebing, NJ, with and into 3rd Fed Bank, Newtown.	Approved

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-19-2013	First Keystone Community Bank Berwick Columbia County	2325 Memorial Highway Dallas Luzerne County	Opened
3-21-2013	Investment Savings Bank Altoona Blair County	200 Patchway Road Duncansville Blair County	Filed
3-21-2013	Peoples Neighborhood Bank Hallstead Susquehanna County	301 Mulberry Street Scranton Lackawanna County	Filed
3-25-2013	Noah Bank Elkins Park Philadelphia County	38 West 32nd Street New York New York	Filed

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-25-2013	Noah Bank Elkins Park Philadelphia County	<i>To:</i> 2337 Lemoine Avenue Fort Lee New Jersey  <i>From:</i> 1550 Lemoine Avenue Fort Lee New Jersey	Filed

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
Secretary

[Pa.B. Doc. No. 13-616. Filed for public inspection April 5, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Request for Bids

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

*FDC-422-7716.1—Fishing Pier Road Rehabilitation, Nockamixon State Park, Haycock Township, Bucks County.* Work included under this contract consists of the rehabilitation and improvement of Fishing Pier Road in Nockamixon State Park, including approximately 6,810 square yards of full depth road reclamation and approximately 80 linear feet of 18-inch and approximately 320 linear feet of 24-inch pipe culverts, resurfacing, repairing drainage issues and replacing culverts. Bid documents will be available on or after April 3, 2013. The bid opening will be held on May 2, 2013.

*FDC-450-7477.1—Flood Repair Structures of the Delaware Canal, Dgs No. 141-7, Phase 6, Part 12, DR 4030 PWs 3563, 3572, 3578, 3624, Delaware Canal State Park in Easton, Reigelsville, New Hope, Yardley, Williams, Durham, Nockamixon, Bridgeton, Tinicum, Plumstead, Solebury, Upper Makefield, Lower Makefield Township, Northampton and Bucks Counties.* Work included under this contract consists of repair to historic structures along the canal including miter gates, stone walls, lock structures, debris removal, towpath rehabilitation, erosion and sediment pollution control, seeding and mulching. Bid documents will be available on or after April 3, 2013. The bid opening will be held on May 2, 2013.

RICHARD J. ALLAN,  
Secretary

[Pa.B. Doc. No. 13-617. Filed for public inspection April 5, 2013, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Frontier Nursing University to Offer Clinical Practicum Courses in Pennsylvania

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department)

will consider the application of Frontier Nursing University, based in Hyden, KY, to offer clinical practicum courses in this Commonwealth at the following sites:

Berks Pediatrics, 555 Raymond Street, Reading, PA 19605

Brandywine Village Family Medicine, 1229 Horseshoe Pike, Downingtown, PA 19335

Community Health Clinic of Butler County, 103 Bonnie Drive, Butler, PA 16002

Conemaugh OB/GYN Associates, 30011 Franklin Street, Johnstown, PA 15905

Family Practice Center, 1500 Broad Street, Montoursville, PA 17754

Magee-Womens Hospital of UPMC, 300 Halket Street, Pittsburgh, PA 15213

Slippery Rock Family Medicine, 1 Morrow Way, Slippery Rock, PA 16057

Slippery Rock University McLachlan Center, 1 Morrow Way, Slippery Rock, PA 16057

Susquehanna Health OB GYN, 777 Rural Avenue, 6th Floor, Williamsport, PA 17701

Warren Medical Group, 12 Elm Street, Warren, PA 16365

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Dr. Rod Niner, Higher Education Associate, 333 Market Street, Harrisburg, PA 17126-0333 by 4 p.m. on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previously mentioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Dr. Rod Niner at (717) 783-8228 to discuss accommodations.

RONALD J. TOMALIS,  
Secretary

[Pa.B. Doc. No. 13-618. Filed for public inspection April 5, 2013, 9:00 a.m.]



### Eligible Partnerships; Postsecondary Grant Application; Building Teaching and Learning Capacity K-16

The Department of Education (Department) has established grant application guidelines to provide direction to partnerships as they submit applications focusing on building teaching and learning capacity across the K-16 education continuum. Applications submitted in response to these guidelines are limited to Statewide partnerships aimed at nurturing and sustaining high quality relationships among and between a network of institutions of higher education (IHEs) and local education agencies (LEAs) that:

1. Culminate in high quality clinical experiences for this Commonwealth's future teachers.

2. Identify the "value added" and contributions that stem from partners working collaboratively so they can be shared and scaled-up with other IHEs and LEAs.

3. Identify effective coaching strategies for higher education faculty, collaborating teachers and principals that improve student teaching experiences and foster future teachers, who have the requisite knowledge, skills and pedagogy required for succeeding in today's schools.

4. Build LEA and IHE capacity as they participate in professional development opportunities, implement changes into their respective curricula and conduct workshops for other school personnel related to:

- The Commonwealth's Standards Aligned System.
- The Commonwealth's Common Core Standards in Mathematics, English Language Arts, Science and Technical Subjects, and/or History and Social Studies.
- The Commonwealth's new educator effectiveness system.
- School safety and anti-bullying strategies.
- Effective coaching strategies.
- Blended delivery of classroom instruction.
- Data driven decision making.

5. Institutionalize change in teacher and leadership preparation programs that are more closely aligned with the knowledge, skills and pedagogy required for educator effectiveness that emerge as improved teaching and learning in today's classrooms.

Approximately \$2.4 million is available on a competitive basis under this grant application for up to three funding cycles beginning in summer 2013 and ending September 30, 2014.

#### 1. Eligibility Requirements

An eligible partnership shall include at a minimum:

1. A Commonwealth-based IHE which is approved by the Department to prepare principals and teachers.

2. A Commonwealth-based IHE that has arts and sciences faculty.

3. At least one high-need LEA included on the "List of LEAs That Meet the High Need Definition in No Child Left Behind." A high-need LEA:

- Serves not fewer than 10,000 children from families with incomes below the poverty line.
- Not less than 20% of the children served by the agency are from families with incomes below the poverty line.

and

- For which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach.

or

- For which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing (Section 2102(3)).

Other partners may include:

1. Other LEAs.
2. An elementary or secondary school.
3. Other educational service agency or nonprofit cultural or educational organization.
4. Teacher organizations.
5. Principal organizations.
6. Businesses.

It is the intent of the Department to fund Statewide partnerships that include a network of IHEs and LEAs; other entities and organizations may also participate in the partnership.

#### 2. Application Deadline

Applications are due by 5 p.m., Friday, May 17, 2013.

#### 3. How to Apply

All eligible applicants must submit one electronic copy of the following in a PDF format:

1. Cover Page.
2. Project Abstract—Rider B (PDE-3118).
3. Agreement for Eligible Partnerships (PDE-3668).
4. Acronym Definition Page and Explanations of Projects Referenced in Narrative.
5. Three-Year Budget Projection (PDE-3113G).
6. Draft evaluation instruments to measure effectiveness of goals, objectives and activities of partnership.
7. Proposal Narrative, which includes the following sequence of sections:
  - a. Executive Summary.
  - b. Needs Assessment.
  - c. Instructional Program/Program Results.
  - d. Program Evaluation.
  - e. Dissemination of Project Results and Other Information.
  - f. Cost and Price Analysis.

Section 1.7 Essential Elements of Eligible Partnerships Postsecondary Grant Applications and Part II Application Information provide important information related to the contents of an application. The grant application guidelines and forms are available at [http://www.education.state.pa.us/portal/server.pt/community/competitive\\_grants/7462/eligible\\_partnerships\\_program\\_-\\_higher\\_education/506824](http://www.education.state.pa.us/portal/server.pt/community/competitive_grants/7462/eligible_partnerships_program_-_higher_education/506824).

#### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to the Division of Professional Education and Teacher Quality, Bureau of School Leadership and Teacher Quality, Department of Education, 333 Market Street, 12th Floor, Harrisburg, PA 17126-0333, (717) 772-3566, TDD (717) 783-8445.

RONALD J. TOMALIS,  
Secretary

[Pa.B. Doc. No. 13-619. Filed for public inspection April 5, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0112127 (Industrial Waste)	PA Fish and Boat Commission Tylersville State Fish Hatchery 43 Hatchery Lane Loganton, PA 17747	Clinton County, Logan Township	Fishing Creek, (9-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0239321 (Sewage)	Robert Wahlmark SFTF 31970 Guys Mills Road Townville, PA 16360	Crawford County Randolph Township	Unnamed Tributary of Muddy Creek (16-A)	Y
PA0222011 (Industrial Waste)	Big Sandy Project 5 Timberline Treatment Facility, End of West First Street, Oil City, PA 16301	Venango County Cranberry Township	Allegheny River (16-E)	Y
PA0038482 (Sewage)	Fox Township STP Gahr Road, Kersey, PA 15846-2608	Elk County Fox Township	Unnamed Tributary to the Daguscahonda Run (17-A)	Y
PA0220787 (Sewage)	Patrick G & V Kaye Williams SFTF 390 Osborn Road Greenville, PA 16125	Mercer County Salem Township	Unnamed tributary to Sandy Creek (16-G)	Y
PA0000213 (Industrial Waste)	PA American Water Kane Route 321 North Kane, PA 16735	McKean County Wetmore Township	Hubert Run (16-B)	Y
PA0035718 (IW)	Fairview Swiss Cheese T/A Fairview Swiss Cheese Fredonia, PA 16124	Mercer County Fairview Township	Unnamed Tributary of Neshannock Creek (20-A)	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*

**PA0244619**, Sewage, SIC Code 8811, **Rachel Wachs**, 215 West Church Road, King Of Prussia, PA 19406. Facility Name: Wachs SRSTP. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage effluent from a small flow treatment facility. The treatment plant will serve a new single family dwelling on the site of a previously demolished single family dwelling, located at 1107 Manor Road.

The receiving stream, Unnamed Tributary to West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for High Quality Trout Stocking Fishery, 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX		XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX 9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX
CBOD <sub>5</sub>					
May 1 - Oct 31	XXX	XXX	XXX	10	XXX 20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX 40
Total Suspended Solids	XXX	XXX	XXX	10	XXX 20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX 1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean	
Ammonia-Nitrogen				Report	XXX Report
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX 3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX 9.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX Report

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

- No stormwater to sanitary sewers
- Necessary property rights
- Proper sludge disposal
- Abandon STP when public sewers become available
- SFTF maintenance
- Small stream discharge

- Must obtain WQM permit
- Change in ownership
- Remedial measures if public nuisance

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.

**PA0050458**, Sewage, SIC Code 4952, **Little Washington Wastewater Company**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010-3489. Facility Name: Little Washington Culbertson Run WWTP. This existing facility is located in East Brandywine Township, **Chester 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), Culbertson Run, is located in State Water Plan watershed 3-H and is classified for High Quality Waters—Trout Stocking and Mi, 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 0.155 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.4
CBOD <sub>5</sub>						
May 1 - Oct 31 (Interim)	4.4	XXX	XXX	10	XXX	20
Nov 1 - Apr 30 (Interim)	8.8	XXX	XXX	20	XXX	40
May 1 - Oct 31 (Final)	2.93	XXX	XXX	6.6	XXX	13.2
Nov 1 - Apr 30 (Final)	5.86	XXX	XXX	13.2	XXX	26.4
Total Suspended Solids	8.8	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)						
May 1 - Oct 31	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen						
(Interim)	XXX	XXX	XXX	Report	XXX	XXX
(Final)	6.63	XXX	XXX	15	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim)	1.3	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30 (Interim)	4.0	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31 (Final)	0.86	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30 (Final)	2.64	XXX	XXX	6.0	XXX	12
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus						
Apr 1 - Oct 31	0.29	XXX	XXX	1.0	XXX	2.0

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

Proposed Part C Conditions:

- No Stormwater to Sewers
- Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP when Public Sewers Become Available
- Chlorine Minimization
- Notification of Chlorine Usage
- Small Stream Discharge
- Notification of Designation of Responsible Operator
- Remedial Measures if Public Nuisance
- Change in Ownership
- Twice per Month Sampling
- Maximize Surface Disposal System
- Instantaneous Maximum Limits
- Fecal Coliform Reporting

- O. Operator Training
- P. Operations and Maintenance Plan
- Q. Laboratory Certification

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

The EPA Waiver is not in effect.

**PA0053554**, Storm Water, SIC Code 2875, **Scotts Company D.B.A. Hyponex Corporation**, 944 Newark Road, Avondale, PA 19311-1133. Facility Name: Scotts Company Potting Soil Facility. This existing facility is located in New Garden Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary of West Branch Red Clay Creek, is located in State Water Plan watershed 3-I and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Nitrate as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
4,4-DDD	XXX	XXX	XXX	XXX	Report	XXX
4,4-DDT	XXX	XXX	XXX	XXX	Report	XXX
4,4-DDE	XXX	XXX	XXX	XXX	Report	XXX

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

Proposed Part C Conditions:

I. Other Requirements

A. Acquire Necessary Property Rights

B. Sludge Disposal Requirement

C. WQM Permit

D. BAT/BCT Reopener

E. Remedial Measures if Public Nuisance

F. Change in Ownership

G. Groundwater Monitoring Requirements

II. 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 484-250-5910.

The EPA Waiver is in effect.

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

**PAS212220**, Storm Water, SIC Code 3273, **Masters RMC, Inc.**, P. O. Box 25, Kingsley, PA 18826-0025. Facility Name: Masters RMC, Inc.—Tunkhannock Plant. This existing facility is located in Eaton Township, **Wyoming County**.

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

The receiving streams, Bowman Creek, is located in State Water Plan watershed 4-G and is classified for High Quality Waters—Cold Water Fishes, Migratory Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (stormwater) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
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:

- 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 in effect.

**PA0065391**, Pesticides, SIC Code 0782, **Ariel Landowners, Inc.**, P. O. Box 503, Lake Ariel, PA 18436-0503.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge associated with the application of pesticides in Lake Township, **Wayne County**.

The receiving stream, Ariel Creek, is located in State Water Plan watershed 01C and is classified for High Quality—Cold Water Fishes (HQ-CWF), aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

**PAS312201**, Storm Water, SIC Code 1389, **Baker Hughes Oilfield Operations, Inc.**, 17021 Aldine Westfield Road, Houston, TX 77073. Facility Name: Baker Hughes Drilling Fluids—Carbondale. This facility is located in Fell Township, **Lackawanna County**.

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

The receiving streams, Lackawanna River, is located in State Water Plan watershed 5-A and is classified for High Quality Waters—Cold Water Fishes, Migratory Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (stormwater) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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 Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- 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 in effect.

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

**PA0020222**, Sewage, SIC Code 4952, **Terre Hill Borough Lancaster County**, PO Box 250, Terre Hill, PA 17581-0250. Facility Name: Terre Hill STP. This existing facility is located in Terre Hill Borough, **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, Black Creek, is located in State Water Plan watershed 7-J and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.21 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.26	XXX	0.85
CBOD <sub>5</sub>						
May 1 - Oct 31	35	53	XXX	20	30	40
Nov 1 - Apr 30	44	70	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	53	79	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	5.3	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	16	XXX	XXX	9.0	XXX	18
Total Phosphorus	3.5	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>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</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

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.

**PA0031861**, Sewage, SIC Code 8051, **Zerbe Sisters Nursing Center**, 2499 Zerbe Road, Narvon, PA 17555-9328. Facility Name: Zerbe Sisters Nursing Center. This existing facility is located in Caernarvon 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), Unnamed Tributary to Conestoga River, is located in State Water Plan watershed 7-J 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 0.0360 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.13	XXX	0.42
CBOD <sub>5</sub>	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	XXX	Report	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Daily Max Report	XXX	XXX
Ammonia-Nitrogen				Daily Max		
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	219.31				
	Total Mo	Total Annual	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.

**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
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	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				Geo Mean		
(Interim)	XXX	XXX	XXX	Report	XXX	XXX
(Final)	Report	XXX	XXX	Annl Avg Report	XXX	XXX
Total Nitrogen	Annl Avg			Annl Avg		
(Interim)	XXX	XXX	XXX	Report	XXX	XXX
(Final)	Report	Report	XXX	Annl Avg Report	XXX	XXX
Ammonia-Nitrogen	Annl Avg	Total Annual		Annl Avg		
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40



Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Kjeldahl Nitrogen (Interim)	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
(Final)	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Final)	Total Mo 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.

**PA0013862 A-1**, SIC Code 2834, **Corixa Corp**, 325 N Bridge Street, Marietta, PA 17547-1134. Facility Name: GlaxoSmithKline Vaccines North America. This existing facility is located in East Donegal Township, **Lancaster County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste.

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

The proposed effluent limits for Outfall 004 are based on a design flow of 0.321 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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	5.4	10.7	XXX	2.0	4.0	5.0

The proposed effluent limits for Outfall 100 are based on a design flow of 0.20 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
BOD <sub>5</sub>	Report	Report	XXX	18	35	45
Chemical Oxygen Demand	Report	Report	XXX	86	228	285
Total Suspended Solids	Report	Report	XXX	31	58	77
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	XXX
				GeoMean		

The proposed effluent limits for stormwater Outfalls 002, 003, 005, 006, 007, and 008 are:

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

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

**PA0239976**, SIC Code 4941, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. Facility Name: Redbank Valley WTP. This existing facility is located in New Bethlehem Borough, **Clarion 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), Redbank Creek, is located in State Water Plan watershed 17-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 0.04 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	0.8	1.5	1.9
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

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

- eDMR use requirement
- TRC minimization

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.

*Central Office: Bureau of Point and Non-Point Source Management, Planning and Permitting Program Manager, 400 Market Street, Harrisburg, PA 17105-8774, Telephone: 717.787.8184.*

**PA0270776**, Pesticides, SIC Code 0851, **PA DCNR Bureau of Forestry**, PO Box 8552, Harrisburg, PA 17105-8552.

Description of Proposed Activity: The application is for a new NPDES permit for proposed discharges associated with the application of pesticides to suppress/control gypsy moth population to protect the host trees by minimizing defoliation and preventing trees mortality in all forest lands associated with the PA DCNR's Bureau of Forestry, Division of Forest Pest Management statewide.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling Dharmendra Kumar at 717-783-2288. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 5413401**, Sewage, **Port Clinton Borough**, PO Box 246, Port Clinton, PA 19549.

This proposed facility is located in Port Clinton Borough and West Brunswick Township, **Schuylkill County**.

Description of Proposed Action/Activity: Construction of a sanitary sewer collection system for the Port Clinton area including a portion of low pressure sewer collection, a pump station and conveyance sewer to connect to the Hamburg Municipal Authority's existing wastewater system. The system will have a design flow of 0.045 mgd.

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

**WQM Permit No. 5013401**, Sewerage, **West Perry School District**, 2606 Shermans Valley Road, Elliotsburg, PA 17024.

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

Description of Proposed Action/Activity: Destruction of existing plant and buildings that will be replaced by an entire new gravity-fed collection system.

**WQM Permit No. 1513250**, CAFO, **Michael E. Laffey**, Glenville Farms, 2084 Glenville Road, Cochranville, PA 19330.

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

Description of Proposed Action/Activity: Construction of an HDPE and clay-lined manure storage facility.

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

**WQM Permit No. WQG01251304**, Sewerage, **John Panarello**, 8550 Nissen Drive, Fairview, PA 16415.

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

Description of Proposed Action/Activity: A single residence sewage treatment plant to replace a malfunctioning onlot system.

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

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

**PAI130527**, MS4, **Upper Uwchlan Township, Chester County**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. 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 Upper Uwchlan Township, Chester County. The receiving stream(s), East Branch Brandywine Creek, Marsh Creek, Pickering Creek, Unnamed Tributary to Black Horse Creek and Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed 3-D and 3-H and is classified for High Quality Waters—Trout Stocking and Mi, 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 484-250-5910.

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**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513005	Department of General Services 18th and Herr Street Harrisburg, PA 17125	Chester	Lower Oxford Township	West Branch Big Elk Creek HQ-TSF
PAI012313001	Media Carping Center 1243 Baltimore Pike Media, PA 19063	Delaware	Middletown Township	Rocky Run HQ-CWF

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912025	PPL Electric Utilities Stephanie Raymond 2 N. 9th St. GENN-3 Allentown, PA 18101	Lehigh	Upper Macungie Twp., Lower Macungie Twp., Upper Milford Twp., Lower Milford Twp.	Cedar Creek, HQ-CWF, MF; Little Lehigh Creek, HQ-CWF, MF; Swabia Creek, HQ-CWF, MF; Unnamed Tributary to Little Lehigh Creek, HQ-CWF, MF; Leibert Creek, HQ-CWF, MF; Hosensack Creek, CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024513002	Pocono International Raceway, Inc. P. O. Box 500 Long Pond, Pa 18334	Monroe	Tunkhannock Twp.	UNT Tunkhannock Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032912001	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Fulton	Taylor Twp	Tributary to Licking Creek (HQ)
PAI036712002	Stewart Associates 950 Smile Way York, PA 17404	York	Hopewell Twp	Deer Creek (CWF, WT)
PAI033413001	Elvin Zimmerman 180 Degan Road Mifflintown, PA 17059	Juniata	Fayette Twp	Lost Creek (HQ-CWF)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050213005	Greenville Commercial Properties, LP One Atlantic Avenue Pittsburgh, PA 15202 McKees Rocks Borough 340 Bell Avenue McKees Rocks, PA 15136	Allegheny	McKees Rocks Borough	Ohio River (WWF-N)

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

*Jefferson County Conservation District, 1514 Route 26, Brookville PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063313001	PADOT District 10 2550 Oakland Avenue, PO Box 429 Indiana PA 15701	Jefferson	Washington Township Pine Creek Township Falls Creek Borough	Fivemile Run CWF; Horm Run CWF; UNT Horm Run CWF; UNT Falls Creek HQ-CWF; Kyle Lake HQ-CWF; Kyle Run HQ-CWF; UNT Beaverdam Run HQ-CWF; Beaverdam Run HQ-CWF; Wolf Run CWF

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

PAG-12 CAFOs

### PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 2113502**, Public Water Supply.

Applicant **Borough of Carlisle**  
 Municipality Carlisle Borough  
 County **Cumberland**  
 Responsible Official Peter Selan, Treatments Plants Manager  
 Municipal Building  
 53 W. South Street  
 Carlisle, PA 17013  
 Type of Facility Public Water Supply  
 Consulting Engineer Timothy J Glessner, P.E.  
 Gannett Fleming, Inc.  
 PO Box 67100  
 Harrisburg, PA 17106-7100  
 Application Received: 3/5/2013  
 Description of Action West End Tank Booster Pump Station

**Application No. 3813501 MA, Minor Amendment**, Public Water Supply.

Applicant **City of Lebanon Authority, PA**  
 Municipality Lebanon Township  
 County **Lebanon**  
 Responsible Official Jonathan Beers,  
 Executive Director  
 2311 Ridgeview Road  
 Lebanon, PA 17042  
 Type of Facility Public Water Supply  
 Consulting Engineer Kirt L Ervin, P.E.  
 US Engineering, LLC  
 13742 Mary Lane Aviston, IL  
 62216  
 Application Received: 3/12/2013  
 Description of Action Repainting and installation of a PAX mixer at the Bunkerhill Tank.

**Application No. 3813502 MA, Minor Amendment**, Public Water Supply.

Applicant **City of Lebanon Authority, PA**  
 Municipality Lebanon

County **Lebanon**  
 Responsible Official Jonathan Beers,  
 Executive Director  
 2311 Ridgeview Road  
 Lebanon, PA 17042  
 Type of Facility Public Water Supply  
 Consulting Engineer Kirt L Ervin, P.E.  
 US Engineering, LLC  
 13742 Mary Lane  
 Aviston, IL 62216  
 Application Received: 3/12/2013  
 Description of Action Repainting and installation of a PAX mixer at the Fire Tower Tank.

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

**Permit No. 4313503**, Public Water Supply

Applicant **New Wilmington Livestock Auction**  
 Township or Borough Wilmington Township  
 County **Mercer**  
 Responsible Official Thomas Skelton  
 Type of Facility Public Water Supply  
 Consulting Engineer Norman P. Straub, P.E.  
 404 Elliott Road  
 Grove City, PA 16127  
 Application Received Date March 15, 2013  
 Description of Action Installation of treatment to provide 4-Log virus.

**Permit No. 2013501**, Public Water Supply

Applicant **Lakeview Manor, LLC**  
 Township or Borough Union Township  
 County **Crawford**  
 Responsible Official Dan Inks  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Lyn Makeever  
 Makeever & Associates, Inc.  
 P. O. Box 325  
 Bucyrus, OH 44820  
 Application Received Date January 28, 2013  
 Description of Action Install additional tankage to the existing WTP to meet 4-log treatment compliance.

**Permit No. 4313502**, Public Water Supply

Applicant **Reynolds/322 Company LTD.**  
 Township or Borough French Creek Township  
 County **Mercer**  
 Responsible Official Dan Inks  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Lyn Makeever  
 Makeever & Associates, Inc.  
 P. O. Box 325  
 Bucyrus, OH 44820

Application Received Date January 28, 2013

Description of Action Install additional tankage to the existing WTP to meet 4-Log treatment compliance.

**Permit No. 6113501, Public Water Supply**

Applicant **General Authority of the City of Franklin**

Township or Borough City of Franklin

County **Venango**

Responsible Official Fred C. Leyda

Type of Facility Public Water Supply

Consulting Engineer Olgierd K. Wodzianski  
Wodzianski Engineering, Inc.  
1322 Elk Street  
Franklin, PA 16323

Application Received Date March 12, 2013

Description of Action Rehabilitate/repair clearwell—construct baffle wall and revise piping.

#### MINOR AMENDMENT

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

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

**Application No. 0213507MA, Minor Amendment.**

Applicant **Borough of Sharpsburg**  
1611 Main Street  
Pittsburgh, PA 15215

[Township or Borough] Sharpsburg Borough

Responsible Official Richard Aluise, Certified  
Operator Borough of Sharpsburg  
1611 Main Street  
Pittsburgh, PA 15215

Type of Facility Water system

Consulting Engineer Glenn Engineering and  
Associates, Inc.  
14920 Route 30  
North Huntingdon, PA 15642

Application Received Date March 21, 2013

Description of Action Change from gas chlorination to liquid chlorination.

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

**Application No. 8318W-MA6, Minor Amendment.**

Applicant **Harmony Borough Water Authority**

Township or Borough Jackson Township

Responsible Official David Szakelyhidi

Type of Facility Public Water Supply

Consulting Engineer Paul J. Cornetti, P.E.  
109 Dutchtown Road  
Butler, PA 16002

Application Received Date February 22, 2013

Description of Action Obtain a permit for a bulk water supply filling station.

**Application No. 3790501-MA6, Minor Amendment.**

Applicant **Pennsylvania American Water Company**

Township or Borough Ellwood City Borough

Responsible Official David R. Kaufman

Type of Facility Public Water Supply

Consulting Engineer Keith Jensen, P.E.  
AECOM Gulf Tower  
707 Grant Street, 5th Floor  
Pittsburgh, PA 15219

Application Received Date March 8, 2013

Description of Action Skyline—construction of a 200,000 gallon glass-lined bolted steel water storage tank and approximately 950 linear feet of water main. New tank will provide additional fire reserve capacity to the Fox Booster gradient.

## 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:

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

**Kline Lease**, Harmony Township, **Forest County**. Atlantic Environmental Group, Inc., 453 State Route 227, Oil City, PA 16301 on behalf of Cougar Energy, Inc., 1049 West 2nd Street, Oil City, PA 16301 has submitted a Notice of Intent to Remediate. On or about March 26, 2012, during operation of an oil well, a gathering/product transmission line ruptured resulting in approximately 55 gallons of well fluids (crude oil & potentially brine water) to be released onto the soil. On April 20, 2012, a second spill occurred down gradient of Kline Well No. 17 resulting in the release of crude oil and brine water that impacted soils and a channel of an intermittent stream. The Notice of Intent to Remediate was published in *The Titusville Herald* on March 2, 2013. The intended future use of the site will be for agricultural use.

**Berry Plastics (Fmr. Corry Hiebert Prop Old)**, City of Corry, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Corry Area Industrial Development Corporation, 1524 Enterprise Road, Corry, PA 16407 has submitted a Notice of Intent to Remediate. The site was originally developed for sheet metal furniture manufacturing. The manufacturing process generated waste solvents, paint sludge, cutting oil, etc. Soil and groundwater have been found to be contaminated with volatile organic compounds. The intended future use of the site is industrial. The Notice of Intent to Remediate was published in the *Corry Journal* on March 6, 2013. The site will be remediated to Special Industrial Area Standards.

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

**US Xpress**, Boggs Township, **Centre County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 on behalf of PennDOT District 2-0 Office, 1924 Daisy Street, Clearfield, Pa 16830 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard.

## AIR QUALITY

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

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

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

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

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

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

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

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

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

**24-083V: Mersen USA** (215 Stackpole Street, St. Mary's, PA 15857) for installation of seven (7) baking kilns and associated regenerative thermal oxidizers and

wet scrubber at their facility in the City of St. Mary's, **Elk County**. This is a Title V facility.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 24-083V to Mersen USA for the installation of a seven baking kilns and associated regenerative thermal oxidizers and wet scrubber at their facility in the City of St. Marys, Elk County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-083V is for the installation seven batch carbon baking kilns. Emissions from these sources will be controlled by associated thermal oxidizer(s) and limestone slurry wet scrubber, which is proposed as Best Available Technology (BAT) for the proposed source. Based on the information provided by the applicant and DEP's own analysis, the proposed source(s) will have a total potential to emit of approximately 43.8 tons of sulfur oxides (SO<sub>x</sub>), 8.4 tons of nitrogen oxides (NO<sub>x</sub>), 4.4 tons of carbon monoxide, 4.4 tons of volatile organic compounds (VOC), 2.1 tons of particulate matter less than 10 microns (PM-10), and 2.0 tons of total hazardous air pollutants (HAP) per year.

The Plan Approval will be subject to the Compliance Assurance Monitoring provisions of 40 CFR Part 64, and will contain additional testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 24-083V and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

#### PLAN APPROVAL

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#### PUBLIC HEARINGS

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*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*

**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 (8) 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, 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.

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

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

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

**15-00130: Schramm, Inc.** (800 East Virginia Avenue, West Chester, PA 19380-4430) for a Renewal, Non-Title V Facility, State-Only, Synthetic Minor Permit in West



Goshen Township, **Chester County**. Schramm, Inc. is an industrial manufacturing plant where mobile drill rigs for water and mineral exploration are designed and manufactured. The facility has taken individual site level restrictions of 22.3 tons per year for NO<sub>x</sub>, VOC and combined HAP emissions. The emission restrictions will ensure that Schramm Inc remains under the emission thresholds. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00051: Allan A. Myers, L.P.—d/b/a Independence Construction Materials,—Devault Asphalt Plant** (Route 29, (Devault) Charlestown Twp., PA 19432) for a non-Title V, State Only, Synthetic Minor operating permit in Charlestown Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The permit was initially issued on 5-21-2008 and will expire on 9/30/2013. The Allan A. Myers Devault Asphalt Plant consists of counter-flow drum mix asphalt plant, with a rated capacity of 450 tons per hour (tph) and an aggregate drum dryer/burner that uses natural gas as the primary fuel and No. 2 fuel oil as the backup fuel. The plant utilizes a combination baghouse/cyclone for control of particulate matter emissions. The plant also has a recycled asphalt pavement (RAP) crusher, rated at 250 tph. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**40-00050: Pioneer Aggregates, Inc.** (202 Main Street, Laflin, PA 18702) for operation of a stone crushing and screening operation in Dennison Township, **Luzerne County**. The operation consists of a one jaw crusher and three cone crushers with water sprays for control of particulate emissions. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**54-00001: Guilford Mills, Inc.** (1754 NC Highway 903 Kenansville, NC 28439) to issue a renewal State Only (Synthetic Minor) Operating Permit to Guilford Mills Inc., for their Penn Dye and Finishing Plant in Pine Grove Borough, **Schuylkill County**. The sources at the facility include three boilers, one hot water heater, five tenter frame and mix tank sources, one textile fabric dyehouse & mixing area, and one face finishing operation. Reported emissions for year 2011 from the facility include carbon monoxide (CO)—1.05 tpy, nitrogen oxides (NO<sub>x</sub>)—7.34 tpy, particulate matter (PM<sub>10</sub>)—1.72 tpy, sulfur oxides (SO<sub>x</sub>)—1.76 tpy, and volatile organic compounds (VOC)—8.29 tpy, which are below the major emission thresholds. The facility is taking elective restrictions in emissions, fuel and throughput to maintain Synthetic Minor status. The proposed State Only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

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

**36-05022A: Bird-In-Hand Woodworks, Inc.** (3031 Industry Drive, Lancaster, PA 17603) for operation of their wood furniture surface coating facility in East Hempfield Township, **Lancaster County**. This is a renewal of their State-only Operating Permit issued in 2008.

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

The subject facility has actual emissions around 2.7 tpy VOC, 1.0 tpy of combined HAPs & 0.5 tpy of a single HAP. 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.

Tom 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.

**06-03140: McNeilus Truck and Manufacturing, Inc.** (524 County Road 34 East, P. O. Box 70, Dodge Center, MN 55927) for their truck repair and replacement parts facility in Caernarvon Township, **Berks County**.

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

The subject facility has actual emissions of one tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52 (Surface Coating Processes) and 40 CFR 63 Subpart HHHHHH (National Emission Standards for Hazardous Air Pollutants for Paint Stripping and Miscellaneous Surface Coating at 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.

**28-05020: T.B. Woods, Inc.** (440 North Fifth Avenue, Chambersburg, PA 17201) for their gray and ductile iron foundry in Chambersburg Borough, **Franklin County**.

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

The subject facility had the following actual emissions in 2011: 42.8 tons VOC; 29.1 tons PM<sub>10</sub>; 14.5 tons PM<sub>2.5</sub>; 1.2 tons NO<sub>x</sub>; 0.4 ton SO<sub>x</sub>; 33.7 tons CO<sub>2</sub>; and 33.7 tons CO<sub>2e</sub>. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All foundry operations are subject to 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries 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.

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

**36-05129: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) for operation of a batch asphalt plant in Brecknock Township, **Lancaster County**. This is a renewal of their State-Only Operating Permit issued in 2008.

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

The subject facility has actual emissions around 1.1 tpy PM<sub>10</sub>, 16.5 tpy of CO, 1.2 tpy NO<sub>x</sub>, 2.0 tpy SO<sub>x</sub>, & 0.3 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities & 40 CFR 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, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

**49-00043: Shamokin Filler Co.** (PO Box 568, Shamokin, PA 17872) for their coal preparation facility in Coal Township, **Northumberland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 11.89 TPY of NO<sub>x</sub>; 2.97 TPY of CO; 42.20 TPY of SO<sub>x</sub>; 40.09 TPY of PM/PM<sub>10</sub>, 0.61 TPY of VOC/total HAPs and 13,646 TPY of GHGs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours

at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

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.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

**49-00038: Xylem Water Solutions Zelenople LLC** (PO Box 128, 455 East Eight Street, Watsontown, PA 17777) for their facility in Delaware Township, **Northumberland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 4.67 TPY of NO<sub>x</sub>; 1.17 TPY of CO; 0.02 TPY of SO<sub>x</sub>; and 45.37 TPY of PM/PM<sub>10</sub>, 0.01 TPY of VOC/total HAPs and 4,215 TPY of GHGs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

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.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

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

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**10-00303: CUE, Inc.** (11 Leonberg Road, Cranberry Township, PA 16066-3601) for renewal of their Synthetic

Minor permit in the Cranberry Township, **Butler County**. The facility is performing the Urethane molding operations. The facility's emitting sources included, 1) Combustion sources, 2) Casting units (11), 3) Adhesive application, 4) Mold Cleaning (Polyol) and, 5) Safety clean degreaser unit. The facility has taken VOC and total HAP emission restrictions. The VOC shall not exceed 47 tons per year (TPY) and total HAP emission shall not exceed 3.7 tons per year. Thus, the facility is synthetic minor. The facility is not major for HAP emission. Thus, 40 CFR Part 63, Subpart PPPP will be not applicable. The actual emission statement: VOC: 18.3 Tons per year (TPY), Combined HAP: 2 TPY.

## 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

**04971301 and NPDES No. PA0215074. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Beaver Valley Mine in Greene and Raccoon Townships, **Beaver County** and related NPDES permit. No additional discharges. The application was considered administratively complete on March 21, 2013. Application received October 10, 2012.

**63841304 and NPDES No. PA0111643. Laurel Run Mining Company**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Vesta Mine in North Bethlehem, East Bethlehem, and West Bethlehem Townships, and Centerville and Deemston Boroughs, **Washington County** and related NPDES permit for reclamation/water treatment only. No additional discharges. The application was considered administratively complete on March 20, 2013. Application received May 9, 2012.

**30901601 and NPDES No. PA0214035. Chess Coal Company**, (155 Chess Road, Smithfield, PA 15478). To renew the permit for the Poland Dock in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on March 19, 2013. Application received February 6, 2013.

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

**10120102 and NPDES Permit No. PA0259306. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA

16001) Revision to an existing bituminous surface mine to add 7.6 acres in Parker & Perry Townships, **Butler & Armstrong Counties** affecting 77.9 acres. Receiving streams: Unnamed tributaries to the Allegheny River, classified for the following uses: WWF, and unnamed tributaries to South Branch Bear Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 21, 2013.

**1475-10120102-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining and support activities within the 100-foot barrier to unnamed tributaries to South Branch Bear Creek in Parker & Perry Townships, **Butler & Armstrong Counties**. Receiving streams: Unnamed tributaries to the Allegheny River, classified for the following uses: WWF, and unnamed tributaries to South Branch Bear Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 21, 2013.

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

**17813091 and NPDES PA 0127230. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Modification to NPDES permit to include new outfall for the active treatment system (FTPA) as well as the existing passive treatment system (FTP) located in Graham and Morris Townships, **Clearfield County** affecting 8.0 acres. Receiving stream(s): Unnamed Tributary to Alder Run classified for the following uses: Cold Water Fishes. Application received March 21, 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.

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

**25102801. Groundwork Resource, LLC** (8870 Baron Road, McKean, PA 16426). Revision to an existing small industrial minerals surface mine to add NPDES Permit No. PA0259390 in McKean Township, **Erie County**. Receiving streams: Unnamed tributary to Walnut Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 18, 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*

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

**NPDES No. PA 0269182 (Mining permit no. 56120117), Wilson Creek Energy, LLC**, 609 Georgian Place, Somerset, PA 15501, a new NPDES permit for mining in Jenner Township, **Somerset County**, affecting 241.6 acres. Receiving stream(s): Hoffman Run and unnamed tributary to Quemahoning Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: November 9, 2012.

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

The outfalls listed below discharge to Hoffman Run:

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

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

<i>Outfalls: 001 and 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to Hoffman Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	Y
007	Y

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

<i>Outfalls: 006 and 007</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The treated wastewater outfalls listed below discharge to an unnamed tributary to Quemahoning Creek:

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

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

<i>Outfalls: 003, 004, and 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfalls listed below discharge to an unnamed tributary to Quemahoning Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
008	Y
009	Y
010	Y

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

<i>Outfalls: 008, 009, and 010</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0212547. (Mining permit no. 4273SM2), H. B. Mellott Estate, Inc.**, 100 Mellott Drive, Suite 100 Warfordsburg, PA, renewal of an NPDES permit for surface mining in Thompson Township, **Fulton County**, affecting 62.42 acres. Receiving stream(s): Unnamed Tributary of Tonoloway Creek, classified for the following use(s): warm water fisheries. There are no potable water intakes within 10 miles downstream. Application received: February 26, 2013.

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

The outfall listed below discharges to an Unnamed Tributary of Tonoloway Creek.

<i>Outfalls: 001</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	30.0	60.0	75.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0595591. (Mining permit no. 01930301), Valley Quarries Inc.**, P. O. Box 2009 Chambersburg, PA 17201, renewal of an NPDES permit for surface mining in Hamiltonban Township, **Adams County**, affecting 80.0 acres. Receiving stream(s): Middle Creek and Spring Run to Middle Creek, Middle Creek is classified for the following use(s): high quality cold water fisheries. There are no potable water intakes within 10 miles downstream. Application received: February 28, 2013.

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

The outfall(s) listed below discharge to Middle Creek and Spring Run to Middle Creek.

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

**NPDES No. PA0212491 (Mining permit no. 40A76SM9), Keystone Lime Company**, P. O. Box 278, Springs, PA 15562, has submitted a renewal of an NPDES permit for a limestone quarry in Elk Lick Township, **Somerset County**, affecting 43.2 acres. Receiving stream(s): Glade Creek (High Point Lake), classified for the following use(s): cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: February 22, 2013.

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

The outfall(s) listed below discharge to Glade Run.

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

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

<i>Outfalls: 002, 003, 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	10.0	20.0	30.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0125334 (Mining permit no. 4275SM20A), U. S. Silica Company**, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of an NPDES permit for a sandstone quarry in Brady Township, **Huntingdon County**, affecting 370.6 acres. Receiving stream(s): Juniata River, Saddler Creek, tributary to Shaughnessy Run and tributary to Flush Run, classified for the following use(s): warm water fishery and high quality cold water fishery (Shaughnessy Run). Application received: March 6, 2013.

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

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

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	N
008	N
009	N
012	N
015	N
017	N

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

<i>Outfalls: 006, 008, 009, 012, 015, 017</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall(s) listed below discharge to Saddler Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N
005	N

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

<i>Outfalls: 004, 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall(s) listed below discharge to Unnamed tributary to Flush Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
013N	N
013S	N

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

<i>Outfalls: 013N, 013S</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall(s) listed below discharge to Unnamed tributary to Shaughnessy Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
010	N
011	N

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

<i>Outfalls: 010, 011</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0009814 (Mining permit no. 4174SM2), New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for sandstone quarry in Shade Township, **Somerset County**, affecting 149.7 acres. Receiving stream(s): Laurel Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: February 12, 2013.

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

The outfall(s) listed below discharge to Laurel Run.

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



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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

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

**NPDES No. PA0595764 on Surface Mining Permit Nos. 5278SM2 and 64980301. Hanson Aggregates Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a Sandstone Quarry operation in Lake Township, **Wayne County**, affecting 151.63 acres. Receiving stream: unnamed tributary to Middle Creek, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: December 18, 2012.

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

The outfall(s) listed below discharge to unnamed tributary to Middle Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S (stormwater)

**NPDES No. PA0224511 on Surface Mining Permit No. 52060301. Springbrook Enterprises, Inc.**, (504 Well Road, Hawley, PA 18428), renewal of an NPDES Permit for a Sandstone, Bluestone and Shale Quarry operation in Blooming Grove Township, **Pike County**, affecting 29.6 acres. Receiving stream: Billings Creek, classified for the following use: HQ—cold water fishes. Application received: January 22, 2013.

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

The outfall(s) listed below discharge to Billings Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S (stormwater)

**NPDES No. PA0594121 on Surface Mining Permit No. 7974SM1. Hanson Aggregates Pennsylvania, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a Diabase Quarry operation in East Rockhill Township, **Berks County**, affecting 103.2 acres. Receiving stream: unnamed tributary to Tohicken Creek, classified for the following uses: trout stock fishes and migratory fishes. Application received: February 19, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Tohicken Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D. (Pit Dewatering)

**NPDES No. PA0223751 on Surface Mining Permit Nos. 52970301 and 5278SM4. G.F. Edwards, Inc.**, (204 Route 435, Elmhurst Township, PA 18444), renewal of an NPDES Permit for a Sandstone Quarry operation in Greene Township, **Pike County**, affecting 240.06 acres. Receiving stream: Wallenpaupack Creek, classified for the following use: HQ. Application received: March 13, 2013.

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

The outfall(s) listed below discharge to Wallenpaupack Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S (stormwater)

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E23-502. County of Delaware**, 201 West Front Street, Township of Springfield and Township of Upper Darby **Delaware County**, ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated with the replacement of the Rosemont Avenue Bridge over Darby Creek (Delaware County Bridge No. 73; SR 7023 Section 073):

1. To replace the existing Rosemont Avenue Bridge over Darby Creek with a proposed Steel I-Beam bridge having a bridge span of 82 feet (length of the bridge) and regulatory length of approximately 38 feet 8.25 inches (width of roadway) and an underclearance of 12 feet 8 inches in the same footprint space.

2. To conduct excavation and grading of the stream banks to facilitate the placement of the new bridge abutment and bridge decking connections.

3. To place temporary cofferdams in the stream at relative locations to facilitate the existing abutment removal and the construction of the proposed abutment consistent with Erosion and Sedimentation control Requirements

4. To place rip-rap in the stream at the abutment to facilitate the proposed scour prevention design.

The site is located approximately 182 feet northeast of the intersection of Bishop Avenue and Rosemont Avenue measuring from the Springfield Township side of the Darby Creek. The bridge site is actually located between Township of Springfield and Township of Upper Darby and serves as a separating boundary in Delaware County (Lansdowne, PA USGS Quadrangle N: 11.85 inches; W: 8.25 inch).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E54-347A. Pennsylvania Department of Transportation-Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18103-1013, in Deer Lake Borough & West

Brunswick Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To amend permit No. E54-347 to authorize the following water obstructions and encroachments associated with roadway improvements along SR 0061:

1. To amend Impact # 1 to read: To remove the existing structure and to construct and maintain a 35-foot wide road crossing of Pine Creek (CWF, MF) consisting of a bulb tee beam reinforced concrete bridge having a normal span of 73 feet and an approximate underclearance of 5.2 feet. (Latitude: 40°37'56", Longitude: -76°3'42")

2. To amend Impact # 2 to read: To remove the existing structure and to construct and maintain an 85-foot wide road crossing of Pine Creek (CWF, MF) consisting of a bulb tee beam reinforced concrete bridge having a normal span of 69 feet and an approximate underclearance of 10.1 feet. (Latitude: 40°37'9", Longitude: -76°3'29")

3. To amend Impact # 9 to read: To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Pine Creek (CWF, MF) consisting of a 182-foot long, 91-inch x 58-inch reinforced concrete elliptical pipe with an R-7 riprap apron. (Latitude: 40°37'54", Longitude: -76°3'52")

The following activities were associated with roadway improvements along SR 0061 and were authorized by Permit No. E54-347.

1. To remove the existing structure and to construct and maintain a 35-foot wide road crossing of Pine Creek (CWF, MF) consisting of a bulb tee beam reinforced concrete bridge having a normal span of 73 feet and an approximate underclearance of 6.5 feet. (Latitude: 40°37'56", Longitude: -76°3'42")

2. To remove the existing structure and to construct and maintain an 85-foot wide road crossing of Pine Creek (CWF, MF) consisting of a bulb tee beam reinforced concrete bridge having a normal span of 69 feet and an approximate underclearance of 10.5 feet. (Latitude: 40°37'9", Longitude: -76°3'29")

3. To construct and maintain a 52-foot wide road crossing of Pine Creek (CWF, MF) consisting of a steel girder bridge with a concrete deck having a normal span of 136 feet and an approximate underclearance of 7.0 feet. (Latitude: 40°37'12", Longitude: -76°3'26")

4. To construct and maintain a roadway crossing of a tributary to Pine Creek (CWF, MF) consisting of a 90-foot long, 30-inch diameter concrete pipe depressed 6-inches with an R-4 riprap apron. (Latitude: 40°37'8", Longitude: -76°3'27")

5. To remove the existing structure and to construct and maintain a road crossing of a tributary to Pine Creek (CWF, MF) consisting of an 80-foot long, 42-inch diameter reinforced concrete pipe with an R-7 riprap apron. (Latitude: 40°37'5", Longitude: -76°3'37")

6. To construct and maintain a road crossing of a tributary to Pine Creek (CWF, MF) consisting of a 73-foot long, 24-inch diameter reinforced concrete pipe with an R-6 riprap apron. (Latitude: 40°37'12", Longitude: -76°3'26")

7. To relocate 190 feet of a tributary to Pine Creek (CWF, MF). The relocation consists of removing the existing structures and to construct and maintain a road crossing consisting of dual 70-foot long, 53-inch by 34-inch reinforced concrete elliptical pipes with an R-6 riprap apron that outlets into a new 161-foot long channel

having a 14-foot bottom width and 2:1 side slopes, that will then outlet into Pine Creek. (Latitude: 40°37'8", Longitude: -76°3'26")

8. To remove the existing 335-foot long stream enclosure and to construct and maintain a stream enclosure of a tributary to Pine Creek (CWF, MF) consisting of a 180-foot long dual 60-inch diameter reinforced concrete elliptical pipes with an R-7 riprap apron that outlets into a new 128-foot long channel having a 4 foot bottom width and 2:1 side slopes. (Latitude: 40°37'33", Longitude: -76°3'52")

9. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Pine Creek (CWF, MF) consisting of a 182-foot long, 91-inch x 58-inch reinforced concrete elliptical pipe with an R-8 riprap apron. (Latitude: 40°37'54", Longitude: -76°3'52")

10. To construct and maintain an extension of an existing 254-foot stream enclosure of a tributary to Pine Creek (CWF, MF). The extension will consist of 63 feet of 42-inch diameter reinforced concrete pipe with an R-7 riprap apron. (Latitude: 40°36'48", Longitude: -76°2'16")

11. To remove the existing structure and to construct and maintain a stream enclosure of a tributary to Pine Creek (CWF, MF) consisting of 133 feet of 38-inch x 60-inch reinforced concrete elliptical pipe with an R-7 riprap apron. (Latitude: 40°37'57", Longitude: -76°3'56")

12. To relocate 386 feet of a tributary to Pine Creek (CWF, MF). The relocation consists of removing the existing structure and to construct and maintain 170 feet of 30-inch diameter reinforced concrete pipe with an R-7 riprap apron that outlets into a 216-foot long channel having a 2-foot bottom width and 2:1 side slopes, which will then outlet back into Pine Creek. (Latitude: 40°38'7", Longitude: -76°4'7")

13. To remove an existing 127-foot long stream enclosure and to construct and maintain a stream enclosure of a tributary to Pine Creek (CWF, MF) consisting of a 150 feet of 42-inch diameter concrete pipe with an R-7 riprap apron.

14. To construct and maintain six stormwater outfalls in Pine Creek (CWF, MF) five of which consist of 18-inch diameter pipes with riprap aprons and one consisting of a channel outfall with turf reinforcing matting.

15. To construct and maintain three stormwater outfalls in tributaries to Pine Creek (CWF, MF) one consisting of an 18-inch diameter pipe with a riprap apron and two consisting of channel outfalls.

The overall improvements will impact 0.17 acre PEM wetlands, 0.02 acre PSS wetlands, and 0.09 acre PFO wetlands, and require 13 stream crossings, totaling 1,962 feet of permanent impacts and 655-feet of temporary impacts. The permittee is required to provide 267 feet of stream mitigation and 0.37 acre of replacement wetlands. The proposed project is located along a 3.5 mile section of SR 61 starting at the intersection of SR 2014 and ending 3.0 miles north of the intersection of SR 895 East (Auburn and Orwigsburg, PA Quadrangles Latitude: 40° 37' 39"; Longitude: -76° 03' 31") in West Brunswick Township and Deer Lake Borough, Schuylkill County.

**E66-155. American Asphalt Company**, 500 Chase Road, Shavertown, PA 18708, in Eaton Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a road crossing consisting of a 20-foot wide bridge across Sugar Hollow Creek (HQ-CWF, MF) having a span of 45-feet and an underclearance of 5-feet. The project site is located on the north side of Sugar Hollow Road approximately 0.20 mile from the intersection of State Route 0029 (Tunkhannock, PA Quadrangle; Latitude: 41° 30' 24.9"; Longitude: -75° 59' 9.2") in Eaton Township, Wyoming County.

**E58-298. R. Dennis Withers**, 3982 East Brook Haven Drive N.E., Atlanta, GA 30319-2861, in Silver Lake Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 24-foot x 22-foot boathouse in Quaker Lake. The project is located at 147 South Shore Lane (Laurel Lake, PA Quadrangle, Latitude: 41°58'32.1"; Longitude: -75°55'11.5").

**E52-238. LP Cylinder Service, Inc.**, 627 Route 434, Shohola, PA 18458, in Shohola Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill a 0.8-acre open body of water for the purpose of constructing a liquid propane refurbishing facility. The project is located at 1255 Route 6 (Shohola, PA Quadrangle, Latitude: 41°23'34"; Longitude: -74°58'58").

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

**E05-370: New Enterprise Stone and Lime Co., Inc.**, PO Box 77, New Enterprise, Pennsylvania 16664, Pa. Turnpike Westbound Access Road in West Providence Township, **Bedford County**, ACOE District Baltimore

To: 1) install and maintain a 88.0-linear foot concrete box culvert with concrete wing walls in Black Valley Creek (WWF, MF), and 2) place 3,780.0 cubic feet of fill within the floodway of Black Valley Creek (WWF, MF), for the purpose of access to the slag site. The project proposes to directly affect 110.0 linear feet of stream channel (Everett West PA Quadrangle; Latitude: 40°00'23", Longitude: -78°23'00").

**E36-913: Greenleaf Estates Phase 2**, 1509 Lampeter Road, Lancaster, Pennsylvania 17602, in West Lampeter Township, **Lancaster County**, ACOE Baltimore District

To: 1) remove an existing 162.0-foot long, 12.0-inch diameter smooth-lined, corrugated plastic pipe stream enclosure, and 2) install and maintain a 164.0-foot long, 30.0-inch diameter smooth-lined, corrugated plastic pipe stream enclosure in an unnamed tributary to Big Spring Run (WWF), for the purposed of constructing a residential subdivision. The project is located near the intersection of Lampeter Road and Pioneer Road (Latitude: 39°59'53", Longitude: -76°14'27") in West Lampeter Township, Lancaster County.

**F22-593: South Hanover Township (Floodplain Mitigation)**, 111 West Third Street, Hershey, Pennsylvania 17033-2498, in South Hanover Township, **Dauphin County**, ACOE Baltimore

To remove structures from the floodplain that were damaged by flooding at the locations listed. The projects propose to temporarily affect approximately 2.40 acres of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	129 Victor Street, Hummelstown, PA 17036	Swatara Creek	WWF, MF	Hershey	40°18'32.2"	-76°40'11.9"
2	13 East Canal Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'23.3"	-76°40'51.6"
3	7 West Canal Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'21.0"	-76°40'56.2"
4	23 West Canal Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'20.0"	-76°40'59.9"
5	25 West Canal Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'19.4"	-76°41'1.4"
6	198 West Canal Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'20.2"	-76°41'19.3"
7	200 West Canal Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'20.4"	-76°41'16.4"
8	110 S. Hanover Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'19.9"	-76°40'53.9"
9	120 S. Hanover Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'18.5"	-76°40'54.6"
10	121 S. Hanover Street, Hershey, PA 17033	Swatara Creek	WWF, MF	Hershey	40°17'19.2"	-76°40'52.1"

**F38-188: North Annville Township (Floodplain Mitigation)**, 1020 North Route 934, Annville, Pennsylvania 17003, in North Annville Township, **Lebanon County**, ACOE Baltimore

To remove structures from the floodplain that were damaged by flooding at the locations listed. The projects propose to temporarily affect approximately 0.17 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	2551 Heilmandale Rd. Jonestown, PA 17038	Swatara Creek	WWF	Indiantown Gap	40°22'50"	-76°30'57.5"
2	12 Willow Drive Jonestown, PA 17038	Swatara Creek	WWF	Fredericksburg	40°23'27.2"	-76°29'58.8"

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

**E02-364-A1. Mon River Supply**, P. O. Box 553, 120 First Street, West Elizabeth, PA 15088-0553, West Elizabeth Borough, **Allegheny County**; ACOE Pittsburgh District

The applicant proposes to amend Permit No. E02-364:

1. to construct and maintain an approximately 220' long extension of an existing retaining wall (this new, sloped retaining wall will be constructed using precast concrete blocks, and will vary in height, along its length, up to 25' high),

2. to rehabilitate, reinforce and maintain the existing retaining wall, by installing precast concrete blocks in front of the existing wall, which will also vary in height, along its length, up to 25' high),

3. to construct and maintain an approximately 320' extension of an existing access road, in front of the aforementioned, new, sloped, retaining wall, which will be supported by another, approximately 6.5' high, block wall,

4. to rehabilitate, reinforce and maintain the retaining wall that supports the existing length of access road, by installing an approximately 6.5' high block wall, in front of this existing wall, and

5. to place and maintain approximately 2000 cubic yards of cast-in-place concrete behind these walls and underneath the access road extension for the purpose of rehabilitating an existing retaining wall, strengthening an existing crane base, and to allow for the future unloading of barges at this facility, using mobile, hydraulic, material handlers.

The current project is Phase I of a two (2) phase project. Phase II will address issues with shoreline protection and barge mooring; no loading and/or unloading of barges will take place until after any future, additional, required permits and authorizations have been obtained and Phase II has been completed. The project is located along approximately 500' of the Monongahela River, at the terminus of First Street, in West Elizabeth Borough, Allegheny County. (Glassport, PA Quadrangle N: 4.93 inches; W: 1.74 inches, Sub-basin 19C, Chapter 93 Type WWF, N; Latitude: 40° 16' 37.78"; Longitude: 79° 53' 14.94").

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

**E25-764, Municipal Authority of the Borough of Waterford**, 30 South Park Row, Waterford, PA 16441. Trout Run Force Main Crossing, in Waterford Borough, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 41°, 56', 18.5"; W: -79°, 59', 28").

The Applicant proposes to construct and maintain a 6 inch diameter C-900 PVC force main crossing of Trout Run and adjoining floodplain wetlands via directional drill at a point approximately 300 feet west of the West Street and West 2nd Street intersection.

**E37-194, Sheetz, Inc.**, 5700 Sixth Avenue, Altoona, PA 16602. Sheetz Convenience Store, in Union Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41°, 0', 51"; W: 80°, 23', 48").

To permanently fill 0.193 acre of wetlands (0.014 acre PEM, and 0.179 acre PEM/PSS) in the Shenango River watershed (WWF) for the construction of a Sheetz Convenience Store located northwest of the intersection of State Route 224 and Dworman Lane in New Castle, PA. The applicant proposes to mitigate for the wetland impacts by constructing approximately 0.22 acre of PEM/PSS replacement wetlands within the same watershed and on property owned by Union Towne Center in Union Township, Lawrence County (N: 41°, 1', 9.39; W: 80°, 23', 34.68"). Construction of a temporary stream crossing, including temporary impact to 50 LF of a tributary to the Shenango River, has been proposed to gain access to the wetland mitigation area.

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

**E5729-057: PVR NEPA Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Davidson Township, **Sullivan County**, ACOE Baltimore District.

To construct and maintain:

1) a 12 inch natural gas line impacting 5 linear feet of an unnamed tributary to Elk Run (EV) (Elk Grove, PA Quadrangle 41°20'51"N, 76°25'37"W);

2) a 12 inch natural gas line impacting 30 linear feet of Elk Run (EV) (Elk Grove, PA Quadrangle 41°20'51"N, 76°25'36"W);

3) a temporary road crossing using a timber mat bridge impacting 434 square feet of a palustrine emergent (PEM) wetland (Elk Grove, PA Quadrangle 41°21'08"N, 76°24'52"W);

4) a temporary road crossing using a timber mat bridge impacting 1,700 square feet of a palustrine emergent (PEM) wetland (Elk Grove, PA Quadrangle 41°21'09"N, 76°24'51"W);

5) a temporary road crossing using timber mat bridge and a 12 inch steel gas line impacting 61 linear feet of an unnamed tributary to Elk Run (EV) (Elk Grove, PA Quadrangle 41°21'23"N, 76°25'21"W);

6) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 255 square feet of a palustrine emergent (PEM) wetland (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'40"W);

7) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 41 square feet of a palustrine emergent (PEM) wetland (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'41"W);

8) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 64 square feet of a palustrine emergent (PEM) wetland (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'41"W);

9) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 5 square feet of a palustrine emergent (PEM) wetland (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'41"W);

10) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 73 linear feet of an unnamed tributary to Heberly Run (HQ-CWF) and 264 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'40"W);

11) a 12 inch steel gas line impacting 14 linear feet of an unnamed tributary to Heberly Run (HQ-CWF) (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'40"W);

12) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 64 linear feet of an unnamed tributary to Heberly Run (HQ-CWF) (Elk Grove, PA Quadrangle 41°21'51"N, 76°24'39"W);

13) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 114 linear feet of South Branch Rock Run (EV) (Elk Grove, PA Quadrangle 41°22'01"N, 76°24'01"W);

14) a 12 inch natural gas line impacting 4 linear feet of an unnamed tributary to South Branch Rock Run (EV) and 360 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Elk Grove, PA Quadrangle 41°22'02"N, 76°23'56"W);

15) a temporary road crossing using a timber mat bridge and a 12 inch steel gas line impacting 38 linear feet of an unnamed tributary to Muncy Creek (EV) (Elk Grove, PA Quadrangle 41°22'03"N, 76°23'20"W);

16) a temporary road crossing using timber mat bridge impacting 12 linear feet of an unnamed tributary to Muncy Creek (EV) (Elk Grove, PA Quadrangle 41°22'06"N, 76°23'13"W);

17) a temporary road crossing using timber mat bridge and a 12 inch steel gas line impacting 83 linear feet of an unnamed tributary to Sullivan Branch (HQ-CWF) (Red Rock, PA Quadrangle 41°22'18"N, 76°21'35"W)

The project will result in 3,123 square feet (0.07 acre) of temporary wetland impacts and 498 linear feet of temporary stream impacts will result from the installation of a 12 inch steel gas line and associated access roadways in Davidson Township, Sullivan County. The permittee will provide 9,636 square feet (0.22 acre) of compensatory mitigation at the Hershberger Mitigation Site (Washingtonville, PA Quadrangle 41°05'16"N, 76°42'43"W) in Limestone Township, Montour County.

**E0829-071: PVR NEPA Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Franklin, Monroe, Burlington and Towanda Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a temporary timber mat bridge impacting 30 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°42'58", Longitude: -76°31'36");

2. a temporary timber mat bridge impacting 52 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°42'57", Longitude: -76°31'42");

3. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 455 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'07", Longitude: -76°31'43");

4. a temporary timber mat bridge impacting 955 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'06", Longitude: -76°31'44");

5. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 100 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°43'08", Longitude: -76°31'44");

6. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 7,885 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'10", Longitude: -76°31'44");

7. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 63 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°43'26", Longitude: -76°31'31");

8. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 455 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'25", Longitude: -76°31'24");

9. a temporary timber mat bridge impacting 42 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'25", Longitude: -76°31'22");

10. a temporary timber mat bridge impacting 540 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°43'25", Longitude: -76°31'19");

11. a 12 inch diameter natural gas line impacting 30 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°43'30", Longitude: -76°31'06");

12. a 12 inch diameter natural gas line impacting 475 square feet of a Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'30", Longitude: -76°31'05");

13. a 12 inch diameter natural gas line impacting 70 linear feet of an unnamed tributary to French Run (CWF, MF) and impacting 4,780 square feet of an adjacent Palustrine Forested Wetland (Powell, PA Quadrangle, Latitude: 41°43'29", Longitude: -76°31'02");

14. a 12 inch diameter natural gas line impacting 35 linear feet of an unnamed tributary to French Run (CWF, MF) (Powell, PA Quadrangle, Latitude: 41°43'28", Longitude: -76°31'01");

15. a temporary timber mat bridge impacting 1,530 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°43'46", Longitude: -76°30'44");

The project will result in 380 linear feet or 2,514 square feet of temporary stream impacts and 2,515 square feet (0.06 acre) of PEM wetlands and 14,792 square feet (0.34 acre) of PFO conversion wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Franklin, Monroe, Burlington and Towanda Township, Bradford County. The permittee will provide 0.32 acre of wetland enhancement mitigation at the Wittig Mitigation Site (Factoryville, PA Quadrangle, Latitude: 41°37'11", Longitude: -75°46'22").

**E6629-015: UGI Energy Services, Inc., 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, Wyoming County ACOE Baltimore District.**

To construct, operate, and maintain the Auburn Line Extension Project, which consists of a 27.4 mile long, 24-inch diameter steel natural gas pipeline and associated facilities, with the following impacts:

1) 93 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'48.03", Longitude: W76°01'59.52");

2) 88 linear feet of a UNT to Susquehanna River (CWF, MF) and 982 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'49.15", Longitude: W76°01'42.46");

3) 28 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'47.89", Longitude: W76°01'41.58");

4) 88 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'46.45", Longitude: W76°01'39.75");

5) 1,224 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'45.54", Longitude: W76°01'38.18");

6) 209 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'41.95", Longitude: W76°01'34.64");

7) 683 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'31.38", Longitude: W76°01'32.25");

8) 37 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°34'23.70", Longitude: W76°01'36.35");

9) 68 linear feet of a UNT to Susquehanna River (CWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°34'10.50", Longitude: W76°01'50.96");

10) 853 linear feet of Susquehanna River (WWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°34'01.79", Longitude: W76°02'01.46");

11) 110 linear feet of a UNT to Susquehanna River (CWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°33'58.59", Longitude: W76°02'05.59");

12) 63 linear feet of a UNT to Susquehanna River (CWF, MF) via a Horizontal Directional Drilling operation (Meshoppen, PA Quadrangle, Latitude: N41°33'56.35", Longitude: W76°02'08.28");

13) 75 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'30.76", Longitude: W76°02'33.45");

14) 77 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°33'17.37", Longitude: W76°02'39.75");

15) 130 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'57.48", Longitude: W76°02'44.06");

16) 52 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'56.08", Longitude: W76°02'44.86");

17) 29 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and

temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'48.74", Longitude: W76°02'47.52");

18) 91 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'47.14", Longitude: W76°02'45.30");

19) 80 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'23.58", Longitude: W76°02'30.38");

20) 170 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'14.57", Longitude: W76°02'28.11");

21) 155 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°32'14.10", Longitude: W76°02'28.37");

22) 79 linear feet of a UNT to Susquehanna River (CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'53.85", Longitude: W76°02'15.77");

23) 61 square feet of impacts to Exceptional Value (EV) Palustrine Scrub-Shrub (PSS) Wetlands via a subsurface bore (Meshoppen, PA Quadrangle, Latitude: N41°31'12.99", Longitude: W76°01'11.65");

24) 78 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'11.95", Longitude: W76°01'11.84");

25) 86 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'10.19", Longitude: W76°01'09.04");

26) 86 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'48.11", Longitude: W75°59'49.95");

27) 80 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'48.22", Longitude: W75°59'48.20");

28) 45 linear feet of a UNT to Sugar Hollow Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'48.32", Longitude: W75°59'46.74");

29) 194 linear feet of a UNT to Bowman Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'31.36", Longitude: W75°59'29.49");

30) 48 linear feet of Bowman Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'29.57", Longitude: W75°59'04.06");

31) 106 linear feet of a UNT to Bowman Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Tunkhannock, PA Quadrangle, Latitude: N41°30'27.28", Longitude: W75°58'59.12");

32) 86 linear feet of Moneypenny Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°29'00.68", Longitude: W75°55'59.13");

33) 80 linear feet of a UNT to Moneypenny Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'57.32", Longitude: W75°55'59.36");

34) 304 linear feet of a UNT to Moneypenny Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'52.03", Longitude: W75°56'00.81");

35) 62 linear feet of a UNT to Thurston Hollow Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'29.31", Longitude: W75°56'12.48");

36) 134 linear feet of a UNT to Thurston Hollow Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°28'17.44", Longitude: W75°56'14.43");

37) 885 linear feet of a UNT to Marsh Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°27'14.32", Longitude: W75°56'18.46");

38) 42 linear feet of a UNT to Marsh Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°27'10.52", Longitude: W75°56'20.16");

39) 246 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via a subsurface bore (Center Moreland, PA Quadrangle, Latitude: N41°26'43.47", Longitude: W75°56'14.05");

40) 84 linear feet of a UNT to Mill Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°26'12.64", Longitude: W75°56'08.00");

41) 7 linear feet of a UNT to Mill Creek (CWF, MF) and 1,209 square feet of impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via a Horizontal Directional Drilling operation (Center Moreland, PA Quadrangle, Latitude: N41°26'07.09", Longitude: W75°56'00.17");

42) 167 linear feet of a UNT to Whitelock Creek (CWF, MF) and 81 square feet of impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via a conventional bore (Center Moreland, PA Quadrangle, Latitude: N41°25'45.30", Longitude: W75°55'23.48");

43) 447 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°25'07.80", Longitude: W75°54'29.93");

44) 116 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°25'06.27", Longitude: W75°54'25.71");

45) 90 linear feet of a UNT to Whitelock Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°24'40.37", Longitude: W75°54'28.52");

46) 65 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 65-foot long, 30-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'44.21", Longitude: W76°01'46.08");

47) 47 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 47-foot long, 40-inch

by 66-inch elliptical culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'38.86", Longitude: W76°01'48.71");

48) 46 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 46-foot long, 24-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'30.18", Longitude: W76°01'49.34");

49) 50 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 50-foot long, 18-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'24.02", Longitude: W76°01'49.21");

50) 25 linear feet of a UNT to Susquehanna River (CWF, MF) via the installation of a 25-foot long, 36-inch diameter culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°34'29.88", Longitude: W76°02'21.06");

51) 214 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill for the construction of a permanent access road (Tunkhannock PA, Quadrangle, Latitude: N41°30'31.96", Longitude: W75°58'20.08");

52) 32 linear feet of a UNT to Bowman Creek (HQ-CWF, MF) via the installation of a 32-foot long, 36-inch diameter culvert for a permanent access road (Tunkhannock, PA Quadrangle, Latitude: N41°30'26.99", Longitude: W75°58'30.56"); and

53) 365 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via the installation of temporary timber matting for the construction of a temporary access road (Center Moreland, PA Quadrangle, Latitude: N41°26'30.25", Longitude: W75°56'22.08").

The project will result in 6,038 linear feet of stream impacts, 3,254 square feet (0.07 acre) of temporary impacts to Palustrine Emergent (PEM) Wetlands, 214 square feet (0.01 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands, 29 square feet (0.01 acre) of permanent impacts to Palustrine Forested (PFO) Wetlands, 81 square feet (0.01 acre) of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands, 61 square feet (0.01 acre) of temporary impacts to Exceptional Value (EV) Palustrine Scrub-Shrub (PSS) Wetlands, and 1,455 square feet (0.03 acre) of temporary impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands. These impacts will be the result of the construction, operation, and maintenance of the Auburn Line Extension Project, which consists of a 27.4 mile long, 24-inch diameter steel natural gas pipeline and associated facilities for the development of the Marcellus Shale.

**E4029-003: UGI Energy Services, Inc.**, 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, Franklin, Kingston, & West Wyoming Townships, **Luzerne County**, ACOE Baltimore District.

To construct, operate and maintain the Auburn Line Extension Project, which consists of a 27.4 mile long, 24-inch diameter steel natural gas pipeline and associated facilities, with the following impacts:

1) 164 linear feet of a UNT to Cider Run (CWF, MF) and 1,208 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°24'13.64", Longitude: W75°54'14.74");

2) 5,576 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°24'12.37", Longitude: W75°54'13.83");

3) 84 linear feet of a UNT to Cider Run (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°24'11.59", Longitude: W75°54'13.22");

4) 78 linear feet of a UNT to Cider Run (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°23'46.13", Longitude: W75°53'48.93");

5) 104 linear feet of a UNT to Sutton Creek (CWF, MF) and 665 square feet of temporary impacts to Palustrine Scrub-Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°22'59.58", Longitude: W75°53'01.23");

6) 1,304 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°22'58.76", Longitude: W75°53'00.98");

7) 117 linear feet of a UNT to Sutton Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°22'58.24", Longitude: W75°53'00.10");

8) 81 linear feet of Sutton Creek (CWF, MF) via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°22'46.89", Longitude: W75°52'57.27");

9) 4,156 square feet of temporary impacts to Palustrine Scrub-Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Center Moreland, PA Quadrangle, Latitude: N41°22'46.50", Longitude: W75°52'57.12");

10) 69 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°22'17.03", Longitude: W75°52'43.49");

11) 4,601 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°22'03.72", Longitude: W75°52'33.73");

12) 21,858 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°21'25.87", Longitude: W75°52'53.95");

13) 225 linear feet of a UNT to Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°21'20.56", Longitude: W75°53'05.07");

14) 10,348 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°20'35.26", Longitude: W75°52'41.72");

15) 2,508 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°20'18.38", Longitude: W75°52'35.87");



16) 6,474 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°20'13.98", Longitude: W75°52'31.79");

17) 37 linear feet of Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°20'12.38", Longitude: W75°52'30.42");

18) 109 linear feet of a UNT to Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°20'10.46", Longitude: W75°52'30.42");

19) 2,617 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Kingston, PA Quadrangle, Latitude: N41°20'09.38", Longitude: W75°52'31.17");

20) 156 linear feet of a UNT to Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Pittston, PA Quadrangle, Latitude: N41°19'41.73", Longitude: W75°41'12.60");

21) 119 linear feet of a UNT to Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Pittston, PA Quadrangle, Latitude: N41°19'27.17", Longitude: W75°52'17.61");

22) 122 linear feet of a UNT to Abrahams Creek (CWF, MF) and 24,636 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting (Pittston, PA Quadrangle, Latitude: N41°19'25.33", Longitude: W75°52'20.24");

23) 26 linear feet of a UNT to Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Pittston, PA Quadrangle, Latitude: N41°19'25.21", Longitude: W75°52'19.59");

24) 62 linear feet of a UNT to Abrahams Creek (CWF, MF) via open cut trenching and temporary timber matting (Pittston, PA Quadrangle, Latitude: N41°19'25.28", Longitude: W75°52'20.90");

25) 97 linear feet of a UNT to Abrahams Creek (CWF, MF) via the installation of an 85.5 foot long, 18-inch diameter culvert for a permanent access road (Kingston, PA Quadrangle, Latitude: N41°19'22.97", Longitude: W75°52'43.12"); and

26) 65 linear feet of a UNT to Abrahams Creek (CWF, MF) via the installation of a 58.0 foot long, 36-inch diameter culvert for a permanent access road (Kingston, PA Quadrangle, Latitude: N41°19'20.62", Longitude: W75°52'41.90").

The project will result in 1,646 linear feet of stream impacts, 12,807 square feet (0.29 acre) of temporary impacts to Palustrine Emergent (PEM) Wetlands, 4,821 square feet (0.11 acre) of temporary impacts to Palustrine Scrub-Shrub (PSS) Wetlands, and 68,392 square feet (1.57 acres) of permanent impacts to Palustrine Forested (PFO) Wetlands; all for the purpose of installing a 27.4 mile long, 24-inch diameter steel natural gas pipeline and associated facilities.

#### ENVIRONMENTAL ASSESSMENTS

*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*

**D42-013EA. Richard Kallenborn**, Port Allegany Borough, One Maple Street, Port Allegany, PA 16743, Liberty Township, **McKean County**, USACOE Pittsburgh District.

Project proposes to remove Old Skinner Reservoir Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The dam is located across Skinner Creek (HQ-CWF) (Port Allegany, PA Quadrangle, Latitude: 41.7879; Longitude: -78.3183).

**D42-015EA. Richard Kallenborn**, Port Allegany Borough, One Maple Street, Port Allegany, PA 16743, Liberty Township, **McKean County**, USACOE Pittsburgh District.

Project proposes to remove Sherwood Reservoir Dam for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The dam is located across a tributary to Skinner Creek (HQ-CWF) (Port Allegany, PA Quadrangle, Latitude: 41.7928; Longitude: -78.3242).

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D45-307. Christman Dam**, Robert Christman, 3221 North Fifth Street, East Stroudsburg, PA 18301. To modify, operate, and maintain Christman Dam across a tributary to Broadhead Creek (HQ-CWF), impacting 0 acre of wetlands with no proposed impacts to the stream channel, for the purpose of permitting the dam, and constructing a spillway to safely pass the spillway design storm. (East Stroudsburg, PA Quadrangle Latitude: 41°01'06, Longitude: -75°12'39") in Stroud Township, **Monroe County**.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0030996 (Sewage)	Bangor High School STP 123 Five Points Richmond Road Bangor, PA 18013	Northampton County Upper Mount Bethel Township	Unnamed Tributary of Jacoby Creek (1-F)	Y
PA0041009 (Industrial Waste)	Chelsea Sandwich, LLC Global Companies Macungie Terminal Shippers Lane Macungie, PA 18062	Lehigh County Lower Macungie Township	Unnamed Tributary to Little Lehigh Creek (2-C)	Y
PA0062758 Industrial Waste	Shenandoah WTP 424 Raven Run Road Lost Creek, PA 17946	Schuylkill County West Mahanoy Township	Lost Creek Cold Water Fishes 6B	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247952— (CAFO)	Timothy Stoner Stoner's Hijos Hill, Inc. 8512 Oellig Road Mercersburg, PA 17236	Franklin County / Peters Township	1202.65 AEU Dairy / UNT West Branch Conococheague Creek / TSF / 13-C	Y
PA0248452— (SEW)	Paul Gettle 1107 Enola Road Carlisle, PA 17013	Cumberland County/ North Middleton Township	UNT Wertz Run / WWF, MF / 7B	Y
PA0084417 (SEW)	Brett L. Brunner Quad B Enterprises LLC 5067 Spring Garden Road Shermans Dale, PA 17090	Perry County / Carroll Township	UNT Shermans Creek / WWF, MF / 7-A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087891 (SW)	Growmark FS, LLC 1701 Towanda Avenue, PO Box 2500 Bloomington, IL 61702-2500	Adams County / Latimore Township	UNT Mud Run / WWF / 7-F	Y
PA0032000 (SEW)	William Rosevear PA DCNR—Bureau of State Parks Gifford Pinchot State Park 2200 Rosstown Road Lewisberry, PA 17339	York County / Warrington Township	Conewago Creek / WWF / 7-F	Y
<i>Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032531 (Sewage)	Moraine State Park 225 Pleasant Valley Road, Portersville, PA 16051-9650	Butler County Muddycreek Township	Muddy Creek 20-C	Y
PA0222321 (Sewage)	Venango County Humane Society 2724 Deep Hollow Road, Franklin, PA 16323	Venango County Cranberry Township	Unnamed Tributary to Lower Two Mile 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. PA0244171**, Industrial, **Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge approximately 120,000 gpd of treated groundwater from a facility known as Glanraffan Creek Remediation Project to Glanraffan Creek in Watershed 3F—Lower Schuylkill.

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

**NPDES Permit No. PA0062219**, Sewage, SIC Code 4952, **Frackville Area Municipal Authority Schuylkill County**, 42 South Center Street, Frackville, PA 17931-1423.

This existing facility is located in Butler Township, **Schuylkill County**.

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

**NPDES Permit No. PA0020699**, Sewage, SIC Code 4952, **West Branch Regional Authority**, PO Box 428, Muncy, PA 17756-0428.

This existing facility is located in Montgomery Borough, **Lycoming County**.

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

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

**NPDES Permit No. PA0026751**, Sewage, **Indiana Boro**, 80 N. 8th St., Indiana, PA 15701

This proposed facility is located in Indiana Boro, **Indiana Cnty**

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

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

**NPDES Permit No. PA0100790**, Sewage, **Jeffrey M. Kuneman**, 6059 Grubb Road, Erie, PA 16506.

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

Description of Proposed Action/Activity: Cancellation of permit.

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

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

**WQM Permit No. 6513401**, Sewerage, **Hempfield Twp Supervisors**, 1132 Woodward Dr, Greensburg, PA

This proposed facility is located in Hempfield Twp, **Westmoreland Cnty**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a treatment facility.

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

This proposed facility is located in Cook Twp, **Westmoreland Cnty**

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

**WQM Permit No. 6312403**, Sewerage, **California Boro**, 225 3rd St, California, PA 15419-1131

This proposed facility is located in California Boro, **Washington Cnty**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a treatment facility.

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

**WQM Permit No. 2580406**, Sewerage, **Jeffrey M. Kuneman**, 6059 Grubb Road, Erie, PA 16506.

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

Description of Proposed Action/Activity: Cancellation of permit.

**WQM Permit No. WQG018861**, Sewerage, **Giovanni A Ciotti**, 11299 Pennside Road, Albion, PA 16401.

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

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

**WQM Permit No. WQG018858**, Sewerage, **William D Holmes**, 8758 Horseshoe Drive, Erie, PA 16510.

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

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

**WQM Permit No. WQG018860**, Sewerage, **Marjorie G Newcomer**, 4950 Brown Road, Waterford, PA 16441.

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

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

**WQM Permit No. 1013403**, Sewerage, **PA DCNR**, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551.

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

Description of Proposed Action/Activity: Installation of a duplex sewage lift station and an underground sewer force main in Moraine State Park.

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG133559	Rebecca Bradshaw, Township Manager Warrington Township 3345 Rosstown Road Wellsville, PA 17365	York	Warrington Township	UNT North Branch Bermudian Creek / WWF, MF	Y

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAG134814	Woodward Township 4910 S. Rte 220 Highway Suite 1 Linden, PA 17744	LYCOMING	Woodward Township	Pine Run, Daugherty Run, Quenshukeny Run, and W. Br. Susquehanna River all (WWF)	[xx]

#### 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*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0907025-R	Bensalem Redevelopment, L.P. 2310 Terwood Drive Huntingdon Valley, Pa 19006	Bucks	Bensalem Township	Delaware River WWF-MF
PAI01 151026-R	Sheridan Construction Company 1578 McDaniel Drive West Chester, PA 19380	Chester	Penn Township	Big Elk Creek HQ-TSF-MF

## NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151209	Coatesville Solar Initiative, LLC 633 Jeffers Circle Exton, PA 19341	Chester	Caln Township	West Branch Brandywine Creek/Delaware Bay Basin WWF-MF
PAI01 151240	Green Warrior Farms, LLC 2075 Grantham Avenue Berwyn, PA 19312	Chester	East Vincent Township	Unnamed Tributary to French Creek EV
PAI01 2312005	U.S. Army Corps of Engineers 600 Dr. Martin King Jr. Place Louisville, KY 40202	Delaware	Edgmont Township	Ridley Creek HQ-TSF
PAI01 2312006	Citadel Federal Credit Union 520 Eagleview Boulevard Exton, PA 19341	Delaware	Concord Township	West Branch of Chester Creek TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912004	Carla & Glenn Ott 7707 Locust Valley Road Coopersburg, PA 18036	Lehigh	Lower Milford Twp.	UNT to Saucon Creek, HQ-CWF, MF, EV Wetlands
PAI023906007R	Hunt Meadows Estates, L.P. 2288 Meadow Lane Emmaus, PA 18049	Lehigh	Weisenberg Twp.	UNT to Lyon Creek, HQ-CWF, MF; Mill Creek, TSF, MF
PAI024812011	PFC Bethlehem, LLC P. O. Box 4595 Gettysburg, PA 17325	Northampton	Hanover Twp.	UNT to Monocacy Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111002	Thomas Kelly United States Army (Carlisle Barracks) 330 Engineer Avenue Carlisle, PA 17013	Cumberland	North Middleton Township	Letort Spring Run (HQ-CWF, MF)
PAI032106009R	D. Reid Townsend PANCAL 954 Centerville (Unit B) LLC 729 East Pratt Street, Suite 401 Baltimore, MD 21202	Cumberland	Penn Township	UNT to the Yellow Breeches Creek (HQ-CWF)
PAI033612012	Barry and Laurie Risk 230 Haines Station Road Peach Bottom, PA 17563	Lancaster	Fulton Township	Haines Run (HQ-WWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055612003	Ursina Borough PO Box 55 Ursina, PA 15485	Somerset	Ursina Borough	Laurel Hill Creek (HQ-CWF)

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481  
Erie County Conservation District, 1927 Wager Road, Erie Pa 16509*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062508001R	Eastman Development LLC 201 West 26th Street Erie PA 16506	Erie	Fairview Township	Trout Run CWF; MF

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


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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).

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**List of NPDES and/or Other General Permit Types**


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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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG0200 0908103-R	The Thompson Automotive Group, Inc 122 Swamp Road Doylestown, PA 18901	Neshaminy Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0905093-R1	Toll Bros, Inc 250 Gibraltar Road Horsham, PA 19044	Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0907026-R(1)	Wal-Mart Real Estate Business Trust 2001 SE 10th Street Bentonville, AR 72716	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAG0200 0913002	J.C. McGinn Construction Company P. O. Box 237 Lahaska, PA 18931	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0910044-R	ABC Construction Company 714 Dunksferry Road Bensalem, PA 19020-6414	Delaware River MF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bristol Township Bucks County	PAG0200 0912090	New York Life 51 Madison Avenue, Room 908 New York, NY 10010	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0910072-R	James West 48 Quarry Road Douglassville, PA 19518	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Borough Bucks County	PAG0200 0913014	County of Bucks 55 East Court Street Doylestown, PA 18901	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Caln Township Chester County	PAG0200 1513002	JD-MG Associates, L.P. 120 East Lancaster Avenue Ardmore, PA 19003	Unnamed Tributary to Each Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAG0200 1507069-R	Pannell Limited Partnership 335 Marshall Vale Lane Kennett Square, PA 19348	Unnamed Tributary to West Branch of Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester Heights Borough Delaware County	PAG0200 230827R	Chester Heights Storage 15 Stoney Bank Road Glen Mills, PA 19342	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4608117-1	Winterthur Wendt USA, Inc. 546 Enterprise Drive Royersford, PA 19468	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG0200 4613003	Willow Crossing Townshouses, LP 300 Brookside Court Chalfont, PA 18914	Unnamed Tributary to Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lansdale Borough Montgomery County	PAG0200 4612095	Andale Properties, LLC 301 N. Broad Street Lansdale, PA 19446	Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hatfield Township Montgomery County	PAG0200 4607193R	Clemens Food Group, LLC P. O. Box 902 Hatfield, PA 19440	Unnamed Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4511045	Smith Tract 1895 Skippack Pike Blue Bell, PA 19422	Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG0200 4613006	Moyer Property 247 Main Street Harleysville, PA 19438	Unnamed Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511235	1080 Delaware Avenue Associates, L.P. 114 Chestnut Street, 5th Floor Philadelphia, PA 19106	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511301	Philadelphia Eagles 1 Lincoln Financial Field Way Philadelphia, PA 19148	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511217-1	Philadelphia Healthcare Properties, Inc. 1600 Kongens Gade St. Thomas, VI 00801	Delaware River/Tacony Frankford Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511226	Pennypack Woods Homeowners Association 8724 Crispin Street Philadelphia, PA 19136	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511030-R	Temple University Science Education and Research Building 1109 West Montgomery Avenue Philadelphia, PA 19122	Delaware Direct Watershed WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511240	701 West Lehigh Partners, LP 4415 Chestnut Street, Suite 202 Philadelphia, PA 19104	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bridgewater Twp., Susquehanna County	PAG02005812010(1)	Trehab Dennis Phelps 10 Public Ave. Montrose, PA 18801	Unnamed Tributary to Snake Creek, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600



## NOTICES

1907

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Menallen Township Adams County	PAG02000111009(1)	Richard A. Klein BLK-RAK, Inc. 601 Mason Dixon Road Gettysburg, PA 17325	UNT to Opossum Creek/TSF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
West Pennsboro Township Cumberland County	PAG02002112029	Kevin Matzke SDKM Bear Property 101 East Erie Street, Suite 810 Chicago, IL 60611	Alexander Spring Creek/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Silver Spring Township Cumberland County	PAG02002113003	Todd Duffie BBEC, Inc. 507 North York Street Mechanicsburg, PA 17055	Trindle Spring Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Lemoyne & New Cumberland Borough, & Lower Allen Township Cumberland County	PAG02002112026	Michael S. Gillespie PennDOT District 8-0 I-83/PA 581 Interchange 2140 Herr Street Harrisburg, PA 17110	Yellow Breeches Creek/CWF, MF, Susquehanna River, WWF, MF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Hummelstown Borough Dauphin County	PAG02002212045	Sherri Smith Lower Dauphin School District 291 East Main Street Hummelstown, PA 17036	Swatara Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02002212028(1)	Lower Paxton Twp. Authority 425 Prince Street, Suite 139 Harrisburg, PA 17109	Beaver Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Newberry Township York County	PAG02006707097R	Susquehanna Ridings, LLC 60 Maplewood Drive, Suite A Etters, PA 17319	Susquehanna River/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Carroll Township York County	PAG02006710044R	US Home Corp. DBA 'Lennar' 10211 Wincopin Circle, Suite 180 Columbia, MD 21044	UNT Yellow Breeches Creek/CWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Springettsbury Township York County	PAG02006712023	Bob Boig B-Way Corporation 599 Davies Drive York, PA 17402	Kreutz Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springettsbury Township York County	PAG02006712061	738 West Mark Street, LLC 1005 East King Street, Suite 100 York, PA 17403	UNT of Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Liberty Township Centre County	PAG02001412016	Ridge Crest Home Sales 11049 N Eagle Valley Rd Howard PA 16841	Marsh Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Lower Mahanoy Twp. Northumberland Cnty	PAG02004913003	Line Mountain HS 185 Line Mountain Rd Herndon PA 17830	UNT to Fiddler's Run WWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 495-4665
Sullivan Township Tioga County	PAG 02005912012	William Fink Country View Farms 1301 Fulling Mill Rd Middletown PA 17057	UNT to Corey Creek CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5
East Buffalo Twp Union County	PAG02006013001	Matthew Markinas PO Box 54 Northumberland PA 17857	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Leechburg Borough Gilpin Township Armstrong County	PAG02000313004	Paul & Melissa Caldwell 3916 Route 819 Saltsburg, PA 15681	Kiskiminetas River (WWF), Brady Run (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435
Chippewa Township Beaver County	PAG02000413005	Chippewa Township Sanitary Authority 2811 Darlington Road Beaver Falls, PA 15010	North Branch Bradys Run (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Cambria Township Cambria County	PAG02001112013	Dr Andrew Garbarino Pediatric Care Specialists/Kidco, LLC.	UNT South Branch Blacklick Creek (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120

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

PAG02002613001

*Applicant Name and  
Address*Sheetz, Inc.  
5700 Sixth Avenue  
Altoona, PA 16602*Receiving  
Water/Use*UNT Coal Lick Run  
(WWF)*Contact Office and  
Phone No.*Fayette County CD  
10 Nickman Plaza  
Lemont Furnace, PA  
15456  
(724) 438-4497*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335**Facility Location:  
Municipality &  
County*Fairview Township  
Erie County*Permit No.*

PAG02002510015R

*Applicant Name &  
Address*Presbyterian Homes of Lake  
Erie  
1225 School Road  
Erie PA 16505*Receiving  
Water/Use*

Lake Erie CWF, MF

*Contact Office &  
Phone No.*Erie County  
Conservation District  
814-825-6403New Wilmington  
Borough  
Lawrence County

PAG02003713002

New Wilmington Borough  
Attn: Mr. Larry Wagner,  
Council President  
134 High Street  
New Wilmington PA 16142Little Neshannock  
Creek TSFLawrence County  
Conservation District  
724-652-4512Oil Creek Township  
& Pleasantville  
Borough  
Venango County

PAG02006112008

Midwest XV LLC  
Attn: Peter Oleszczuk  
403 Oak Street  
Spring Lake MI 49456UNT Pithole Creek  
CWFVenango County  
Conservation District  
814-676-2832Glade Township  
Warren County

PAG02006213001

United Refining Company  
PO Box 780  
Warren PA 16365

Glade Run CWF

Warren County  
Conservation District  
814-726-1441Freehold Township  
Warren County

PAG02006213002

Sunset Dairy  
19435 Route 957  
Bear Lake PA 16402UNT Coffee Creek  
CWFWarren County  
Conservation District  
814-726-1441*General Permit Type—PAG-03**Facility Location:  
Municipality &  
County*Sadsbury Township  
Chester County*Permit No.*

PAR110055

*Applicant Name &  
Address*Sikorsky Global Helicopters,  
Inc.  
110 E Stewart Huston Drive  
Coatesville, PA 19320-1646*Receiving  
Water / Use*

Buck Run—3H

*Contact Office &  
Phone No.*Southeast Region  
Clean Water Program  
484.250.5970Upper Hanover  
Township  
Montgomery County

PAR230098

Matheson Tri-Gas Inc.  
1700 Scepter Road  
Waverly, TN 37185Unnamed Tributary  
to Perkiomen Creek  
3-ESoutheast Region  
Clean Water Program  
484.250.5970R&L Carriers  
Pittston Township  
Luzerne County

PAR802269

Greenwood Motor Lines Db  
a R&L Carriers  
600 Gilliam Road  
Wilmington, OH 45177

Mill Creek—5-A

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511Bedford County /  
Snake Spring  
Township

PAR803715

Robert Salathe  
Bedford Valley Petro Corp  
10228 Lincoln Highway  
Everett, PA 15537UNT Raystown  
Branch Juniata  
River / 11-C / WWFDEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707Lebanon County /  
Cleona Borough

PAR803735

Donald Dreibelbis  
Meyer Oil Company  
107 N. Washington Street  
Cleona, PA 17042Quittapahilla Creek /  
7-D / TSFDEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Franklin Twp Armstrong Cnty	PAR116137	Sintermet, LLC 222 N. Prk. Dr. W. Hills Ind. Prk. Kittanning, PA 16201	UNT of Glade Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Sharon City Mercer County	PAR608337	Metalico Pittsburgh, Inc. 3100 Grand Avenue Pittsburgh, PA 15225	Shenango River 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Makefield Township Bucks County	PAG040189	Zingarini Paul C 130 Beaumont Drive Newtown, PA 18940-2524	Jericho Creek 2-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Cook Township Westmoreland County	PAG046439	Albert T. Cejka 495 Hoods Mill Road Latrobe, PA 15650	UNT to Fourmile Run	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Conneaut Township Erie County	PAG041093	Giovanni A Ciotti 11299 Pennside Road Albion, PA 16401	Unnamed Tributary to Conneaut Creek 15	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Greene Township Erie County	PAG041090	William D Holmes, 8758 Horseshoe Drive, Erie, PA 16510	Unnamed Tributary to Fourmile Creek 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

NOTICES

1911

*Facility Location:  
Municipality &  
County*

Greene Township  
Erie County

*Permit No.*  
PAG041092

*Applicant Name &  
Address*  
Marjorie G Newcomer  
4950 Brown Road  
Waterford, PA 16441

*Receiving  
Water / Use*  
Unnamed Tributary  
to East Branch  
LeBoeuf Creek  
16-A

*Contact Office &  
Phone No.*  
DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

*Permit Type—PAG-5*

*Facility Location:  
Municipality &  
County*

Dauphin County  
Harrisburg City

*Permit No.*  
PAG053589

*Applicant Name &  
Address*  
Collotia Stores Inc.  
29th Street Exxon #27  
904 Bonny Lane  
Mechanicsburg, PA 17055

*Receiving  
Water / Use*  
UNT to Spring  
Creek

*Contact Office &  
Phone No.*  
DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

*General Permit Type—PAG-9*

*Facility Location:  
Municipality &  
County*

Center Township  
Snyder County

*Permit No.*  
PAG 09 4839

*Applicant Name &  
Address*  
Joe Peachey  
1226 Mountain Road  
Middleburg, PA 17842

*Site Name &  
Location*  
Peachey Process  
Facility  
Center Township  
Snyder County

*Contact Office &  
Phone No.*  
NCRO  
570-327-0526

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

Lenox Township  
Susquehanna County

*Permit No.*  
PAG102274

*Applicant Name &  
Address*  
Williams Field Service Co. LLC  
(Milliard Pipeline)  
1605 Coraopolis Heights Road  
Moon Township, PA 15108-4310

*Receiving  
Water / Use*  
Millard Creek and  
Tower Branch—4-F

*Contact Office &  
Phone No.*  
DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

Susquehanna County PAG102277

Williams Field Service Co. LLC  
Wood Pipeline Project  
1605 Coraopolis Heights Road  
Moon Township, PA 15108-4310

Unnamed Tributary  
of Meshoppen  
Creek—4-G

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

*General Permit Type—PAG-12*

*Facility Location:  
Municipality &  
County*

Adams County /  
Butler Township

*Permit No.*  
PAG123627

*Applicant Name &  
Address*  
Mike Hare  
Crittter Hill Farm  
224 Quaker Run Road  
Biglerville, PA 17307

*Receiving  
Water / Use*  
Conewago Creek /  
TSF, MF / 7-F

*Contact Office &  
Phone No.*  
DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Lebanon County /  
South Annville  
Township

PAG123593

Gerald Musser  
Providence Egg Producers  
118 Killinger Road  
Annville, PA 17003

Killinger Creek /  
TSF / 7-D

DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

*General Permit Type—PAG-13**Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
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
West Vincent Township Chester County	PAG130172	West Vincent Township Chester County 729 Street Matthews Road Chester Springs, PA 19425	Unnamed Tributary to Delaware River	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Yeadon Borough Delaware County	PAG130128	Yeadon Borough Delaware County PO Box 5187 Yeadon, PA 19050	Cobbs Creek and Darby Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-13 & MS4 Waivers**Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Parryville Borough Carbon County	PAG132290	Parryville Borough Carbon County 317 Centre Street Parryville, PA 18244	Pohopoco Creek—CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Waiver East Penn Township Carbon County	PAG132283	East Penn Township Carbon County 167 Municipal Road Leighton, PA 18235	Lehigh River—TSF UNT to Lehigh River—CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Waiver Bowmanstown Borough Carbon County	PAG132202	Bowmanstown Borough Carbon County 490 Ore Street Bowmanstown, PA 18030	Lehigh River—TSF Fireline Creek—CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Waiver Glendon Borough Northampton County	PAG132298	Glendon Borough Northampton County 24 Franklin Street Easton, PA 18042	Lehigh River—WWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Waiver Lower Mount Bethel Township Northampton County	PAG132255	Lower Mt Bethel Township Northampton County 2004 Hutchison Avenue PO Box 257 Martins Creek, PA 18063	Martins Creek—TSF, CWF; Little Martins Creek—CWF; Unnamed Tributary to Delaware River—CWF; Mud Run—CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Pringle Borough Luzerne County	PAG132297	Pringle Borough Luzerne County 89 Evans Street Pringle, PA 18104	Toby Creek—TSF, MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Waiver Upper Mount Bethel Township Northampton County	PAG132303	Upper Mount Bethel Township Northampton County 387 Ye Olde Highway Mount Bethel, PA 18343	West Fork Martins Creek—CWF, MF UNT to Martins Creek—TSF, MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-13*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG133649	Kathy Atland West York Borough 1700 West Philadelphia Street York, PA 17404	York	West York Borough	Codorus Creek & UNT Codorus Creek / WWF, MF	Y
PAG133576	Steven F. Smith Spring Garden Township 558 S Ogontz St. York, PA 17403	York	Spring Garden Township	Codorus Creek, Mill Creek, UNT Codorus Creek, UNT Codorus Creek, and UNT Mill Creek / WWF, MF	Y

## PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this

notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 6713504 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Hanover Municipal Water Works</b>
Municipality	Penn Township
County	<b>York</b>
Responsible Official	Barbara Krebs, Borough Manager 44 Frederick Street Hanover, PA 17331
Type of Facility	Parr Hill Reservoirs liner and cover replacement.
Consulting Engineer	Timothy J Glessner, P.E. Gannett Fleming, Inc. PO Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	3/21/2013

**Operations Permit** issued to: **Hillside Manor Apartments**, 7500025, Oliver Township, **Perry County** on 3/20/2013 for the operation of facilities approved under Construction Permit No. 5012508 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	<b>Waterville Water Association</b>
[Township or Borough]	Cummings Township
County	<b>Lycoming</b>
Responsible Official	Mr. John Gasperine Waterville Water Association P. O. Box 88 Waterville, PA 17776
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	March 20, 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	<b>Sherwood Retirement and Personal Care Home</b>
[Township or Borough]	Canton Township
County	<b>Bradford</b>
Responsible Official	Mr. James Sherwood Sherwood Retirement and Personal Care Home 3995 Route 414 Canton, PA 17724

Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	March 20, 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	<b>Trotter Farms</b>
[Township or Borough]	Halfmoon Township
County	<b>Centre</b>
Responsible Official	Mr. Matt Milliron 2121 Old Gatesburg Road, Suite 200 State College, PA 16803
Type of Facility	Public Water Supply
Consulting Engineer	Andrew Johnson, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Permit Issued	March 20, 2013
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well SW7).

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

Applicant	<b>Village at Whispering Pines</b>
[Township or Borough]	Wells Township
County	<b>Bradford</b>
Responsible Official	Mr. James Bender Village at Whispering Pines, LLC 1435 Church Road Mifflinburg, PA 17844
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	March 22, 2013
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well No. 2).

**Permit No. 1810501—Operation** Public Water Supply.

Applicant	<b>Wysox Township Municipal Authority</b>
[Township or Borough]	Wysox Township
County	<b>Bradford</b>
Responsible Official	Robert Williams, Chairman Wysox Township Municipal Authority 724 Main Street Towanda, PA 18848
Type of Facility	Public Water Supply
Consulting Engineer	Eric Casanave, P.E. Stiffler, McGraw & Assoc. 1731 N. Juniata Street Hollidaysburg, PA 16648
Permit Issued	March 26, 2013



Description of Action Operation of the recently constructed public water supply to serve Wysox Twp. The water system includes the distribution system, a 257,000 gal. finished water storage tank, transmission lines, a booster pump station, and an interconnection with Towanda Mun. Auth.

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

Applicant **Wyalusing Valley Personal Care Home, Inc.**  
 [Township or Borough] Wyalusing Township  
 County **Bradford**  
 Responsible Official Mr. Terry Keeney  
 Wyalusing Valley Personal Care Home, Inc.  
 43850 Route 6  
 Wyalusing, PA 18853  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued March 26, 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 **Woodside Terrace Mobile Home Park**  
 [Township or Borough] Sheshequin Township  
 County **Bradford**  
 Responsible Official Mr. Keith Ebersole  
 Eastern Property Management, LLC  
 P. O. Box 172  
 Manheim, PA 17545  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued March 26, 2013  
 Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

**Permit No. 1906501—Operation** Public Water Supply.

Applicant **Millville Borough Municipal Authority**  
 [Township or Borough] Millville Borough  
 County **Columbia**  
 Responsible Official Marvin Fisk, Chairman  
 Millville Borough Municipal Authority  
 P. O. Box 30  
 Millville, PA 17846  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued March 26, 2013

Description of Action Operation of the Pall Aria AP-3 membrane microfiltration plant, disinfection, Aqua-Mag, and caustic soda chemical feeds.

**Permit No. 4496557—Permit-By-Rule** Public Water Supply.

Applicant **Glacier Water**  
 [Township or Borough]  
 County **Northcentral Region**  
 Responsible Official Mr. Thomas Conti  
 Vice President & Chief Operating Officer  
 GW Services, Inc.  
 d/b/a Glacier Water  
 1385 Park Center Drive  
 Vista, CA 92081  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued March 26, 2013  
 Description of Action Operate four water vending machines within the Northcentral Region. Boyer Food Market in Northumberland Co., Snappy's 8 in Columbia Co., Snappy's 5 in Columbia Co. and Shop A Lot in Columbia Co.

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

**Permit No. 3211503GWR, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Borough or Township] Pine Township  
 County **Indiana**  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Operate Issued March 20, 2013

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

**Operation Permit** issued to **Eagle Developing Corp. d/b/a Sunnyview Mobile Home Park**, PWSID #6430003, Pymatuning Township, **Mercer County**. Permit Number 4311503 issued March 21, 2013 for the operation of the Public Water Supply system. This permit is issued in response to field inspections conducted by Department of Environmental Protection personnel during the period of June 29, 2012 through March 8, 2013.

**Construction/Operation Permit** issued to **General Authority of the City of Franklin**, PWSID #6610020, City of Franklin, **Venango County**, for the installation and operation of mobile bulk loading stations at four take points for the purpose of bulk water sale for non-potable

water. Construction and Operation authorized simultaneously under permit number 6191502-MA2 issued March 26, 2013.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**I-80 Eastbound Mile Marker 256.2 Diesel Fuel Spill Site**, I-80 Eastbound at Mile Marker 256.2, Sugarloaf Township, **Luzerne County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 have submitted a Final Report on behalf of their client, Con-way Truckload, 4701 East 32nd Street, Joplin, MO 64804, concerning the remediation of soil and groundwater found to have been impacted by diesel fuel as a result of a leaking tractor-trailer's fuel tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil

and groundwater. A summary of the Final Report was published in *The Standard Speaker* on February 22, 2013.

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

**Norfolk Southern / Rutherford Intermodal Transfer Facility**, 5050 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Cardno MM&A, 535 Industrial Road, Bluefield, VA 24605, on behalf of Consolidated Rail Corporation, 1000 Howard Boulevard, Mount Laurel, NJ, 08054; and Norfolk Southern Railway Company, 1200 Peachtree Street, NE - Box 13, Atlanta, GA 30309 has submitted a Final Report concerning groundwater contaminated with PCBs, chlorinated solvents and VOCs. The report is intended to document remediation of the site to meet the Site Specific standard. Site soils were addressed in a separate report.

**Hershey 19 East Facility—The Hershey Company**, 19 East Chocolate Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. Langan Engineering and Environmental Services, PO Box 1569, Doylestown, PA 18901, on behalf of The Hershey Company, 100 Crystal Drive, Hershey, PA 17033, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, pesticides and inorganics. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific standards.

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

**Kline Lease**, Harmony Township, **Forest County**. Atlantic Environmental Group, Inc., 453 State Route 227, Oil City, PA 16301 on behalf of Cougar Energy, Inc., 1049 West 2nd Street, Oil City, PA 16301 has submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Total Xylenes, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Isopropyl- benzene, Naphthalene, and Chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**259 Nesbitt Road**, North Fayette Township, **Allegheny County**. Crawford Environmental Services, LLC., 195 Proudfoot Drive, Birdsboro, PA 19508 on behalf of Adams Petroleum Products, Inc., 820 Camp Horne Road, Pittsburgh, PA 15237 submitted a Final Report concerning remediation of site soil contaminated from a heating oil spill. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Phillips Station**, Jordan Street, South Heights Borough and Crescent Township **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Aliquippa, PA 15205 on behalf of Phillips Station Riverfront South, L.P., 625 Liberty Avenue, Floor 23, Pittsburgh, PA 15222 submitted a Remedial Investigation Report and Final Report concerning remediation of site soil and groundwater contaminated with arsenic, lead and nickel. The Remedial Investigation report is intended to document remediation of the site to meet the site-specific standard and the Final Report the statewide health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

**Former RUS Facility**, 164 East Main Street, Emmaus Borough, **Lehigh County**, Bryn Hartley, ARCADIS U.S., Inc., 6 Terry Drive, Newtown, PA 18940, submitted a Remedial Investigation Report, on behalf of her client,

Mr. Jim Buckman, Cintas Company, 27 Whitney Drive, Milford, OH 45150), concerning the remediation of dry cleaning related constituents (PCE) found to be present in soils and groundwater at the property location cited above due to historical dry cleaning operations. The report was submitted to document partial fulfillment of the Site-Specific Standard for soil and groundwater and was approved on March 19, 2013.

**Salansky 3H/4H Well Site**, 699 State Route 2069, Gibson Township, **Susquehanna County**, James Pinta, Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205, submitted a Final Report on behalf of his client, Cabot Oil & Gas Corporation, 5 Penn West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of a small amount of diesel fuel released onto the well pad from a disconnected fuel supply line from a generator. The report documented attainment of the Residential Statewide Health Standard for soil under Act 2 and was approved on March 19, 2013. The Final Report was also submitted within 90 days of the release.

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

**Rose Marie Allison Estate**, 2070 Enfield Street, Camp Hill, PA 17011, Camp Hill Borough, **Cumberland County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of William Allison, Executor, Rose Marie Allison Estate, 2070 Enfield Street, Camp Hill, PA 17011, submitted a Remedial Investigation Report and Cleanup Plan for site soils and groundwater contaminated with #2 fuel oil. The reports were approved by the Department on March 20, 2013. The site is being remediated to the Site Specific and Residential Statewide Health standards.

**Lutheran Theological Seminary**, 61 Seminary Ridge, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Lutheran Theological Seminary, 61 Seminary Ridge, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soils contaminated with #6 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on March 21, 2013.

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

**EXCO Resources (PA) LLC. Lougee 4H Pad**, Washington Township, **Jefferson County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of EXCO Resources (PA), LLC., 3000 Ericsson Drive, Suite 200, Warrendale, PA 15086 has submitted a Remedial Investigation / Final Report concerning remediation of site soils contaminated with Barium, Boron, Calcium, Magnesium, Manganese, Potassium, Sodium, Strontium, and Chloride. The report is intended to document remediation of the site to meet the Site-Specific, Statewide Health, and Background Standards.

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

**Avery Dennison Corporation**, Sayre Borough, **Bradford County**. Avery Dennison Corporation has submitted a Final Report for their property located along Thomas St in Sayre, PA. The Final Report is concerning remediation of groundwater and soils contaminated with semi-volatile organic compounds, volatile organic compounds, and metals. The Final Report demonstrated attainment of the

Statewide Health Standard and was approved by the Department on February 28, 2013.

**American Tempo Corporation—Timberland Estates**, Hepburn Township, **Lycoming County**. American Tempo Corporation, 528 Ruben Kehrer Road Lot 100A, Muncy, PA 17756 has submitted a 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 13, 2013.

**American Tempo Corporation—Timberend Estates**, Hepburn Township, **Lycoming County**. American Tempo Corporation, 528 Ruben Kehrer Road Lot 100A, Muncy, Pa 17756 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Avery Dennison Corporation**, Sayre Borough, **Bradford County**. Avery Dennison Corporation has submitted a Final Report for their property located along Thomas St in Sayre, PA. The Final Report is concerning remediation of groundwater and soils contaminated with semi-volatile organic compounds, volatile organic compounds, and metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

#### REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

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

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

**General Permit Registration No. WMGM042NC001. Schrack Farms Partnership, LP**, 860 West Valley Road, Loganton, PA 17747. Registration to operate under General Permit No. WMGM042 for a treatment facility located in Greene Township, **Clinton County**, for the anaerobic digestion of various waste streams to ultimately be land applied in accordance with the approved nutrient management plan. The registration was approved by NorthCentral Regional Office on March 22, 2013.

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

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit No. WMGR081D029. Evolution E-Cycling, LLC**, 704 Parkview Drive, Pittsburgh, PA 15205 Site: 2235 Mary Street, Pittsburgh, PA 15203-2222. The general permit WMGR081 is for the processing of electronic materials which is limited to sorting, disassembling and mechanical processing of uncontaminated source separated electronics equipment. This DOA was reissued by Central Office on March 15, 2013 as a result of a change of location.

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

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

**Permit(s) Issuance Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 301358. Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. The permit modification is for an increase of maximum daily volume of 4000 tons of residual waste received daily and an average daily volume of 3000 tons of residual waste per day. The permit was issued by Northcentral Regional Office on March 25, 2013.

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

#### AIR QUALITY

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

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

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

**GP9-46-0061: Morris Road Investors, L.P.** (2750 Morris Road, Lansdale, PA 19067) On March 19, 2013, was authorized to operate five (5) diesel fuel-fired internal combustion engines in Worcester Township, **Montgomery County**.

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

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

**GP3-50-03005: F&R Materials** (291 Sawmill Road, Duncannon, PA 17020) on March 20, 2013, for a portable

nonmetallic mineral processing plant under GP3 at their Barnett Drive Recycling Center, Penn Township, **Perry County**.

**GP11-50-03005: F&R Materials** (291 Sawmill Road, Duncannon, PA 17020) on March 20, 2013, for three nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Barnett Drive Recycling Center, located in Penn Township, **Perry County**.

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

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

**GP5-17-06: Fairman Corp.** (3497 Stanley Road, P. O. Box 288, Dubois, PA 15801) on March 1, 2013, to renew authorization to operate a 200 bhp natural gas-fired four-stroke rich-burn Caterpillar model 3306 SI TA SC compressor engine with a Miratech model Miranox MN-10S non-selective catalytic reducer and the operation of a 6 MMscf per day Natco dehydrator with a 0.25 MMBtu/hour reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Buterbaugh Compressor Station in Burnside Township, **Clearfield County**.

**GP5-17-10B: Fairman Corp.** (3497 Stanley Road, P. O. Box 288, Dubois, PA 15801) on March 1, 2013, to renew authorization to operate a 215 bhp natural gas-fired four-stroke rich-burn Caterpillar model 3406 NA compressor engine with a Miratech model IQ5-12-04-C2 non-selective catalytic reducer under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Kuntz Compressor Station in Greenwood Township, **Clearfield County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP4-26-00542B: Pennsylvania Dept. of Corrections** (30 Overlook Drive, Luzerne, PA 15450) on March 15, 2013, for the operation of a natural gas-fired burn off oven State Correctional Institute in Luzerne Township, **Fayette County**.

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

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

**GP5-20-257B: Range Resources—Appalachia, LLC—Lippert Station** (6229 Pettis Road, Cochranton, PA 16314) on April 1, 2013, to operate two (2) lean burn, 4 stroke natural gas compressor engines, one (1) Smith Natural Gas Dehydrator, one (1) 8,400 gallon produced water storage tank, and five (5) 2,100 gallon produced water storage tanks (BAQ-GPA/GP-5) in East Fairfield Township, **Crawford County**.

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

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

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

**23-0066C: Pyropure Inc.—d.b.a. Pyromet, Inc.** (5 Commerce Drive, Aston, PA 19014) on March 19, 2013, for installation of a silver recovery furnace with a baghouse as a control device, and a nitric acid digester with a scrubber as a control device in **Delaware County**. The company refines silver from medical x-ray films, photo finishes, and electronic scraps. The pollutant of concern is Particulate Matter (PM) and oxides of nitrogen (NO<sub>x</sub>). This is a minor facility and the emissions allowed in the proposed Plan Approval keeps the facility minor. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

**46-0162C: Hammond Lead Products, Inc.** (10 Grosstown Road, Pottstown, PA 19464) on March 19, 2013, for modification to Plan Approval No. 46-0162B issued to the existing lead-oxide manufacturing facility in West Pottsgrove Township, **Montgomery County**. The modification includes the removal of the cartridge filters on the existing Barton processes (Source IDs 108, 109, 110) and installation of new fabric filters using PTFE-coated bags. In addition, the lead emission limits have been revised based on changes to controls, an increase in estimated product loss, and the addition of an alternative operating scenario for the sources contained in this plan approval modification. The design capacities of Barton 4, 5, and 6 will not change with this modification. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The facility is subject to the standards of 40 CFR Part 63 Subpart VVVVVV (6 Vs)—Hazardous Air Pollutants from Chemical Manufacturing Area Sources (producing NAICS Code 325 materials). The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0279: West Laurel Hill Cemetery** (215 Belmont Avenue, Bala Cynwyd, PA 19004) on March 21, 2013, to modify existing cremation equipment originally installed under General Permit No. GP-14-46-0273 in Lower Merion Township, **Montgomery County**. The modification allows the loading door to be opened during the cremation cycle. The facility is classified as a Natural Minor because site wide emissions for all criteria pollutants are below the threshold for major sources for the Philadelphia Metropolitan Area. The plan approval will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

*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.*

**06-05069T: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on March 18, 2013, for exhausting the air pickup from a COS machine to atmosphere after the air is filtered by Baghouse C416 and HEPA filter C416A at their Lyon Station lead-acid battery assembly plant in Richmond Township, **Berks County**.

**06-05085E: New Morgan Landfill Co., Inc.** (420 Quarry Road, P. O. Box 128, Morgantown, PA 19543-0128) on March 19, 2013, to replace two (2) existing enclosed

flares and the installation of one (1) candlestick flare at the existing municipal solid waste landfill in New Morgan Borough, **Berks County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0169D: Constantia Colmar, Inc.** (92 County Line Road, Colmar, PA 18915) on March 19, 2013, to operate a new flexographic press in Hatfield Township, **Montgomery County**.

**46-0262C: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on March 20, 2013, to operate a new pre-mix disperser unit in Hatfield Township, **Montgomery County**.

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

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

**38-05028C: Milprint, Inc.** (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042) on March 22, 2013, for installation of two rotogravure printing presses, two additional regenerative thermal oxidizers, and a wax coater at their facility in South Lebanon Township, **Lebanon County**. The plan approval was extended.

**05-03020A: Northern Bedford County School District** (152 NBC Drive, Loysburg, PA 16659) on March 22, 2013, for installation of a 7.793 mmBtu/hr wood-fired boiler controlled by multiclone mechanical collectors in series, in South Woodbury Township, **Bedford County**. The plan approval was extended and also underwent a minor modification to extend the stack testing deadline. 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*

**65-302-071: ArcelorMittal-Monessen, LLC** (345 Donner Avenue, Monessen, PA 15062) on March 25, 2013, for a plan approval extension with an expiration date of September 25, 2013, to allow for continued temporary operation of two (2) coke oven gas/natural gas boilers at the Monessen Coke Plant, in the City of Monessen, **Westmoreland County**. The Plan Approval has been extended.

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

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

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

**16-00133: Clarion Bathware, Inc.** (16273 Route 208, Marble, PA 16334) on March 20, 2013, for renewal of a Title V Operating Permit to operate a fiberglass bathware manufacturing facility in Washington Township, **Clarion County**. The facility's major emitting sources included, 1)

Miscellaneous natural gas usage, 2) Surface coating process (Resin Booth), 3) Surface coating process (Gel-coat booth) and 4) Custom, acrylic and mold shops. The fiberglass operations are subject to 40 CFR Part 63, Subpart WWWW. The facility is a major facility due to its potential to emit of Volatile Organic Compounds and Hazardous Air Pollutants (Styrene). The facility is restricted to less than or equal to 150 Tons per year of VOC. The restriction was previously established in a RACT permit for the facility. The actual emissions from the facility are: NO<sub>x</sub>: 0.3 ton per year (TPY), CO: 0.2 TPY, VOC: 81 TPY.

**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*

**46-00236: Highway Materials, Inc.** (1126 Crusher Road, Perkiomenville, PA 18074) on March 19, 2013, for renewal of a State Only, Synthetic Minor Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates a 360 tons per hour batch asphalt plant with a rotary dryer. A knockout box and baghouse dust collector is used for particulate matter emission controls. Through a Department approved exemption (eRFD No. 649), the facility was authorized to relocate the batch asphalt plant, in its entirety, to another location within its boundary. Also under eRFD No. 649, the facility was authorized to replace two existing horizontal 20,000 gallon oil-heated asphalt tanks to two vertical 20,000 gallon electrically heated tanks. No other changes were made to the asphalt plant equipment or structure. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

**46-00206: Merck Sharp & Dohme Corp.** (1180 Church Road, Lansdale, PA 19446; Attn: Ms. Alison Rimborg) on March 19, 2013, for renewal of the Natural Minor Operating Permit in Lansdale Borough, **Montgomery County**. The initial operating permit was issued on November 12, 2002. At this location, Merck Sharp & Dohme Corporation does not perform any manufacturing. This location has been deemed a commercial site. The only significant sources of emissions are two natural gas fired emergency generators. The total potential emissions of NO<sub>x</sub> from the generators is 14.0 ton per year and the total potential emissions of CO from the generators is 1.3 tons per year. Potential emissions from all other criteria pollutants is less than 1.0 ton per year. It has been determined that the generators are exempt from 40 C.F.R. Part 63, Subpart ZZZZ. No increase in emissions from the facility is allowed under this permit renewal. No new sources are being added under this renewal. The operating permit contains requirements to keep the facility operating within all applicable air quality requirements for this facility.

**46-00253: Valley Forge, Inc.** (450 E. Valley Forge Road, King of Prussia, PA 19406) on March 19, 2013, for a renewal of State Only Operating Permit ("SOOP") No. 46-00253 Upper Merion Township, **Montgomery County**. The following major changes have occurred at the facility since the SOOP was issued in 2006, and will be addressed in the renewal SOOP:

- The installation of a soil screener and associated engine at the facility, as approved under Request for

Determination of Changes of Minor Significance and Exemption from Plan Approval/Operating Permit ("RFD") No. 2112.

- The replacement of the engine associated with the portable concrete crushing/screening operation at the facility, as approved under General Plan Approval and General Operating Permit (BAQ-GPA/GP9) No. GP9-46-0050.

- The replacement of the engine associated with the tub grinder at the facility.

In addition to the aforementioned sources, Valley Forge, Inc., also operates a trommel screen with associated engine at the facility. While the potential to emit nitrogen oxides ("NO<sub>x</sub>") from the engines/facility exceeds 25 tons per year, Valley Forge, Inc., has elected to restrict the hours of operation for the engines to ensure that the NO<sub>x</sub> emissions from the facility will not exceed this level. The average NO<sub>x</sub> emissions from the facility for 2010-2011 were less than 3 tons per year.

In addition to the aforementioned NO<sub>x</sub> emission rate restriction for the facility, the renewal SOOP will also include the following emission rate restrictions:

- Brake-specific, hourly, and annual carbon monoxide ("CO"), hydrocarbon ("HC"), NO<sub>x</sub>, and particulate matter ("PM") emission rate restrictions for the engine associated with the portable concrete crushing/screening operation.

- Brake-specific, hourly, and annual CO, NO<sub>x</sub> + non-methane HC ("NMHC"), and PM emission rate restrictions for the engine associated with the soil screener.

- Brake-specific, hourly, and annual NO<sub>x</sub> emission rate restrictions for the engine associated with the trommel screen.

- Hourly, daily, ozone season, and annual NO<sub>x</sub> emission rate restrictions for the group of engines associated with the tub grinder, trommel screen, and soil screener.

Lastly, the renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00027: 3M-Dyneon LLC** (50 Milton Drive, Aston, PA 19014) on March 19, 2013, for a renewal Non-Title V Facility, State-Only, Synthetic Minor Permit in Chester Township, **Delaware County**. 3M/Dyneon LLC is a manufacturing custom compound purchased resins facility. The facility has taken a site level restriction of 10 tons per year of VOC's on a 12-month rolling period. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00035: SABIC Innovative Plastics U.S., LLC** (251 South Bailey Road, Thorndale, PA 19382) on March 21, 2013, for a non-Title V, Natural Minor facility in Caln Township, **Chester County**. This action is for the change of status from a Title V Operating Permit to a State Only Operating Permit. This action is also a renewal of the operating permit for this facility. SABIC Innovative Plastics U.S., LLC currently operates 9 production lines for the mixing, extruding, and pelletizing of plastic resins. The main emissions from the production lines are volatile organic compounds and hazardous air pollutants. SABIC Innovative Plastics U.S., LLC has agreed to take an elective restriction on the site level of 20.5 tons volatile organic compounds per year on a 12-month rolling sum basis and an elective restriction on the combined volatile organic compound emissions from all production lines of

13.1 tons per year on a 12-month rolling sum basis. These elective restrictions keep the facility below the thresholds for status as a Title V Facility, and these elective restrictions keep the emissions below the limits for volatile organic compounds established in the RACT Operating Permit OP-15-0035. The permit contains all applicable requirements including monitoring, record-keeping and reporting.

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

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

**48-00100: Data Based Systems International, Inc.** (4 TekPark, 9999 Hamilton Boulevard, Breinigsville, PA 18031) on March 25, 2013, to operate emergency generators at their data processing center in Northampton Borough, **Northampton County**. This is an initial State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**54-00081: LVH Industries, Inc.** (220 South Hancock Road, McAdoo, PA 18237) on March 25, 2013, for the operation of a glass recycling facility in West Brunswick Township, **Schuylkill County**. The source consists of a rotary drying operation with filter fabric controls of the particulate emissions. This is an initial State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**01-03002: Vulcan Construction Materials LP** (875 Oxford Avenue, Hanover, PA 17331-7743) on March 18, 2013 for the Hanover quarry and stone crushing facility located in Oxford Township, **Adams County**. The State-only permit was renewed.

**38-03007: Evans Eagle Burial Vaults, Inc.** (15 Graybill Road, Leola, PA 17540-1910) on March 20, 2013 for the two human crematory units at their facility in Heidelberg Township, **Lebanon County**. The State-only permit was renewed.

**36-03133: Wilkins Rogers Mills** (19 N. Market Street, PO Box 175, Mount Joy, PA 17552) on March 21, 2013 for their flour manufacturing facility in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

**22-03091: Harrisburg Mall LP** (3501 Paxton Street, Harrisburg, PA 17111-1403) on March 21, 2013 for the boilers and emergency generator at the Harrisburg Mall in Swatara Township, **Dauphin County**. The State-only permit was renewed.

**06-05009: New Enterprise Stone & Lime Co., Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) on March 20, 2013 for the stone crushing operations at the Kutztown Quarry in Maxatawny Township, **Berks County**. The State-only permit was renewed.

**01-05016: Specialty Granules, Inc.** (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) on March 20, 2013 for the nonmetallic mineral crushing,

processing and loading operation at the Charmian Quarry in Hamiltonban Township, **Adams 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*

**14-00040: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301-2843) on February 13, 2013, for their Centre Compressor Station in Spring Township, **Centre County**. Air contaminant sources at the facility include: two (2) 5,846 brake horsepower, natural gas-fired turbine compressor engines, one (1) 656 brake horsepower, natural gas-fired emergency generator and two (2) natural gas fired combustion units. The operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Both turbine compressor engines (Source IDs P102 and P103) are subject to 40 CFR Part 60, Subpart KKKK—Standards of Performance for New Stationary Source—Stationary Combustion Turbines.

**08-00028: Wyalusing Area School District** (42 Main Street, PO Box 157 Wyalusing, PA 18853) on March 22, 2013, for their school in Wyalusing Township, **Bradford County**. Air contaminant sources at the facility include: one (1) 12 MMBTU/hr, biomass fired boiler and one (1) 12 MMBTU/hr back-up No. 2 fuel oil fired boiler. The operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**25-00928: Zurn Industries, LLC—Specification Drainage Operations** (1801 Pittsburgh Avenue, Erie, PA 16514) on March 25, 2013, to re-issue a Natural Minor Operating Permit for this facility that manufactures plumbing fixture fittings and trim in the City of Erie, **Erie County**. Emissions of criteria pollutants are low enough to qualify for a Natural Minor Operating Permit.

**27-00019: PA Department of Corrections—SCI at Forest** (HC2, Box 18, Marienville, PA 16239) on March 25, 2013, to re-issue the Natural Minor Operating Permit for this correctional facility in Jenks Township, **Forest County**. The facility's primary emissions are from the four (4) boilers used to provide comfort heat and hot water to the facility. Emissions of criteria pollutants remain below major source levels.

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

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

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

**15-00136: Merit Medical** (65 Great Valley Parkway, Malvern, PA 19355) on March 19, 2013, in Malvern Borough, **Chester County**. The operating permit was

amended to identify a change in ownership and name change. The physical location of the plant and all sources identified in the facility's State Only 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.

**09-00009: Quad Graphics, Inc.** (4371 County Line Road, Chalfont, PA 18914-1825) on March 21, 2013, in New Britain Township, **Bucks County**. On March 12, 2013, the Title V Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Webcraft, LLC. The facility's major emission points include seven (7) offset lithographic printing presses, nine (9) converting lines, and two (2) dual fuel-fired (natural gas and No. 2 fuel oil) boilers.

The Administrative Amendment of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued August 1, 2001 and was subsequently renewed on July 13, 2007 and on August 9, 2012.

**09-00133: Quad Graphics, Inc.** (181 Rittenhouse Circle, Bristol, PA 19007-1617) on March 21, 2013, located in Bristol Township, **Bucks County**. On March 12, 2013, the State only Operating Permit was issued as an Administrative Amendment for a Change of Ownership of the facility formerly owned by Webcraft, LLC. The facility's major emission points include four (4) heatset web offset lithographic presses.

The Administrative Amendment of the State Only Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended Title V Operating Permit did not change and contains all of the applicable regulatory requirements including monitoring recordkeeping, reporting and emission limits. The initial permit was issued November 8, 2005 and was subsequently renewed on November 17, 2010.

*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.*

**36-05140: Valley Proteins, Inc.** (693 Wide Hollow Road, East Earl, PA 17519) on March 21, 2013, for the rendering operations at the Terre Hill plant in East Earl Township, **Lancaster County**. This is a significant modification to the facility's Title V operating permit issued in June of 2011. The modification includes changes made to the monitoring approach for the facility's scrubbers controlling emissions from the plant's rendering operations. These proposed changes will not have any effect on the facility's current rate of emissions.

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

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

**26-00573: Johnson Matthey, Inc.** (605 Mountain View Drive, Fayette Business Park, PA 15478) on March 21, 2013 an Administrative Amendment to change the facility's contact information for the State Only Operating Permit for Johnson Matthey, Inc., a catalyst production



facility located in Smithfield Borough, **Fayette County**. The facility consists of two dryers, an oven, storage tanks, bulk material storage area, mixing tanks and an emergency generator.

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

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

**AMS 07164: Honeywell International—Frankford Plant** (Margaret & Bermuda St. Philadelphia, PA 191137 administratively amended on March 26, 2013 to note that the expiration date is only for state purposes in the City of Philadelphia, **Philadelphia County**. The plan approval was issued on January 23, 2013 to modify Reasonably Available Control Technology (RACT) plan approval requirements for two 260 MMBTU/hr boilers that burn phenol waste, natural gas, or No. 6 oil.

## 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*

**24991301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Little Toby Mine in Horton Township, **Elk County** for a post-mining land use change to 1.1 acres of surface permit area from forestland and unmanaged natural habitat to industrial/commercial. No additional discharges. The application was considered administratively complete on December 17, 2012. Application received December 10, 2012. Permit issued March 21, 2013.

**56091301 and NPDES No. PA0235865. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To operate the Stonycreek Mine in Quemahoning Township, **Somerset County** a new underground mine and related NPDES permit. Surface Acres Proposed 92.5, Underground Acres Proposed 1403.0, Subsidence Control Plan Acres Proposed 804.5. Receiving streams: Beaverdam Creek and Unnamed Tributary to Beaverdam Creek, both classified for the following use(s): HQ-CWF. The application was considered administratively complete on August 20, 2009. Application received March 30, 2009. Permit issued March 22, 2013.

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

**56070110 and NPDES No. PA0262498. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 249 acres. Receiving stream(s): Schrock Run and UTs to Glades Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received November 30, 2012. Permit issued: March 15, 2013.

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

**03050103 and NPDES Permit No. PA0250961. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal permit for continued water treatment issued to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 163.5 acres. Receiving streams: unnamed tributary to Allegheny River. Application received: June 1, 2012. Permit issued: March 19, 2013.

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

**54060103R. Gale Mining Company**, (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine and refuse disposal operation in Tremont Township, **Schuylkill County** affecting 308.0 acres, receiving streams: Stumps Run and Lorberry Creek. Application received: September 7, 2011. Renewal issued: March 19, 2013.

**54060103GP104. Gale Mining Company**, (1441 Oak Road, Pottsville, PA 17901), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54060103 in Tremont Township, **Schuylkill County**, receiving streams: Stumps Run and Lorberry Creek. Application received: February 25, 2013. Permit issued: March 19, 2013.

**54020101R2. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), renewal of an existing anthracite surface mine and coal ash placement in Porter Township, **Schuylkill County** affecting 300.0 acres, receiving stream: Rausch Creek. Application received: January 4, 2012. Renewal issued: March 25, 2013.

**54020101GP104. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54020101 in Porter Township, **Schuylkill County**, receiving stream: Rausch Creek Watershed. Application received: March 6, 2013. Permit issued: March 25, 2013.

**54950202R3. Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and disposal operation in Mahanoy Township, **Schuylkill County** affecting 148.0 acres, receiving stream: North Mahanoy Creek. Application received: May 20, 2010. Renewal issued: March 25, 2013.

**54950202GP104. Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54950202 in Mahanoy Township, **Schuylkill County**, receiving stream: North Mahanoy Creek. Application received: September 28, 2011. Permit issued: March 25, 2013.

*Noncoal Permits Actions*

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

**26920401 and NPDES Permit No. PA0203441. Coolspring Mining, Inc.** (P. O. Box 1328, Uniontown, PA 15401). Renewal permit issued for continued mining to a large noncoal surface mine, located in North Union Township, **Fayette County**, affecting 60.6 acres. Receiving streams: unnamed tributary to Coolspring Run. Renewal application received: May 16, 2012. Permit issued: March 20, 2013.

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

**43040302-GP-104. New Castle Lime and Stone Company** (P. O. Box 422, Edinburg, PA 16116) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43040302 in Shenango Township, **Mercer County**. Application received: January 23, 2013. Permit Issued: March 19, 2013.

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

**08112802 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853), commencement, operation, and restoration of a shale and bluestone quarry in Warren Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Unnamed Tributaries to Gaylord Creek. Application received: December 16, 2011. Permit issued March 8, 2013.

**08112802GP-104 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853) hereby approves the Notice of Intent (NIO) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface water in Warren Township, **Bradford County**. Receiving stream(s): Unnamed Tributaries to Gaylord Creek. Application received: December 16, 2011. Permit issued March 8, 2013.

**08122802 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853), commencement, operation, and restoration of a shale, flagstone, and bluestone quarry in Pike Township, **Bradford County** affecting 3.0 acres. Receiving stream(s): Williams Creek and Gaylord Creek. Application received: July 19, 2012. Permit issued: March 8, 2013.

**08122802GP-104 Anthony P. Bennett** (3657 Old Stage Coach Road, Wyalusing, PA 18853) hereby approves the Notice of Intent (NIO) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface water in Pike Township, **Bradford County**. Receiving stream(s): Williams Creek and Gaylord Creek. Application received: July 19, 2012. Permit issued March 8, 2013.

**4976SM3GP-104 Tri-Lakes Construction** (145 Kilmer Lane, Lawrenceville, PA 16929) hereby approves the Notice of Intent (NIO) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface water in Lawrence Township, **Tioga County**. Receiving streams(s): Harts Creek. Application received December 31, 2012. Permit issued March 15, 2013.

**08990301. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). Revision of an existing large industrial mineral permit for modification for clean fill placement located in Athens Township,

**Bradford County** affecting 20.08 acres. Receiving streams: Susquehanna River classified for the following uses: Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 11, 2012. Permit issued March 19, 2013.

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

**48080301T and NPDES Permit No. PA0224223. Grand Central Sanitary Landfill, Inc.**, (910 West Pennsylvania Avenue, Pen Argyl, PA 18072), transfer of an existing quarry operation and issuance of NPDES Permit for discharge of treated mine drainage in Pen Argyl Borough, **Northampton County** affecting 174.59 acres, receiving stream: Waltz Creek. Application received: November 4, 2010. Transfer issued: March 19, 2013.

**7674SM1C14. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), boundary correction to an existing quarry operation in South Lebanon and Jackson Townships, **Lebanon County** affecting 461.6 acres, receiving stream: Tulpehocken Creek. Application received: August 17, 2012. Correction issued: March 19, 2013.

**7674SM1C15 and NPDES Permit No. PA0613312. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Lebanon and Jackson Townships, **Lebanon County**, receiving stream: Tulpehocken Creek. Application received: August 17, 2012. Renewal issued: March 19, 2013.

**58120808 and NPDES Permit No. PA0225185. Robert Schneider**, (RR 2, Box 2390, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Meylert Creek. Application received: November 5, 2012. Permit issued: March 21, 2013.

**7775SM8C5 and NPDES Permit No. PA0595748. Dyer Quarry, Inc.**, (P. O. Box 188, Birdsboro, PA 19508), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson Township, **Berks County** affecting 310.0 acres, receiving stream: Indian Corn Creek and Seidel Creek. Application received: September 21, 2012. Renewal issued: March 25, 2013.

**7774SM1A1C10 and NPDES Permit No. PA044555. Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, **Berks County** affecting 675.0 acres, receiving stream: unnamed tributary to Limekiln Creek. Application received: December 3, 2012. Renewal issued: March 25, 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*

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

**10134001. Precise Tank Modification, Inc.** (P. O. Box 274, Madison, PA 15663) Blasting activity permit for excavating to place an underground tank in Cranberry Township, **Butler County**. This blasting activity permit expires on June 1, 2013. Application received: February 28, 2013. Permit Issued: March 19, 2013.

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

**41134102 M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for pipeline construction located in Shrewsbury Township, **Lycoming County** and Shrewsbury Township, **Sullivan County**. Permit issued March 20, 2013. Permit expires March 12, 2014.

**14134102 John W. Gleim Jr Inc.** (625 Hamilton Street, Carlisle, PA 17013-1925). Blasting for residential development located in Ferguson Township, **Centre County**. Permit issued March 20, 2013. Permit expires December 15, 2013.

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

**36134108. M & J Explosives, Inc.,** (P. O. Box 608, Carlisle, PA 17013), construction blasting at Millersville University in Millersville Borough, **Lancaster County** with an expiration date of March 14, 2014. Permit issued: March 19, 2013.

**36134109. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for BVP Horse Barn in West Hempfield Township, **Lancaster County** with an expiration date of June 30, 2013. Permit issued: March 19, 2013.

**40134107. Explosive Services, Inc.,** (7 Pine Street, Bethany, PA 18431), construction blasting for a single dwelling in Hanover Township, **Luzerne County** with an expiration date of March 14, 2014. Permit issued: March 19, 2013.

**58134116. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Church Compressor Station in Dimock Township, **Susquehanna County** with an expiration date of December 31, 2013. Permit issued: March 19, 2013.

**64134103. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Michels Pipeline Construction Beach Lake in Palmyra, Berlin and Texas Townships, **Wayne County** with an expiration date of February 6, 2014. Permit issued: March 19, 2013.

**66134107. Meshoppen Blasting, Inc.,** (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Amcor well site and access road in Meshoppen Borough, **Wyoming County** with an expiration date of July 31, 2013. Permit issued: March 19, 2013.

**40134108. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Eagle Rock Resort in Hazle, Black Creek and North Union Townships, **Luzerne** and **Schuylkill Counties** with an expiration date of April 30, 2014. Permit issued: March 20, 2013.

**66134108. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk Enterprises site development in Lemon Township, **Wyoming County** with an expiration date of April 30, 2014. Permit issued: March 20, 2013.

**58134118. Doug Wathen, LLC,** (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Walt Brooks Pond in Springville Township, **Susque-**

**hanna County** with an expiration date of March 17, 2014. Permit issued: March 21, 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

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

**E05-360: Brian Barkley,** 9027 Hyndman Road, Manns Choice, Pennsylvania 15550, in Harrison Township, **Bedford County**, ACOE Baltimore District

To construct and maintain a single span bridge having a normal span of 40.0 feet, clear width of 10.5 feet, and minimum underclearance of 6.0 feet across Smalley Spring Branch (WWF) for the purpose of accessing exist-

ing farm fields. The project is located 850 feet north of the intersection of Brant Hollow Road and SR 96 in Harrison Township, Bedford County (Buffalo Mills, PA Quadrangle; N: 13.42 inches, W: 2.88 inches; Latitude: 39°56'56", Longitude: -78°38'44").

**E05-368: Amy Placek, Pennsylvania Electric Company**, 76 South Main Street, Akron, Ohio 44308, in Bedford and East Saint Clair Townships, **Bedford County**, ACOE Baltimore District

To (1) construct a 8-foot wide x 25-foot steel plate temporary stream crossing across an Unnamed Tributary to Brush Run (WWF), (2) construct and maintain one (1) utility pole on the left side of the floodway of Brush Run (WWF) impacting 2 square feet, (3) construct and maintain a utility pole structure consisting of three (3) poles permanently impacting 4-square feet and temporarily impacting 4-square feet of Exceptional Value (EV) Palustrine Emergent (PEM) wetland, 6-square feet of floodway, and aerial spanning 4-linear feet of watercourse all in, along, and across an Unnamed Tributary to Dunning Creek (WWF), (4) construct a 4-foot wide x 25-foot long steel plate temporary stream crossing and temporary wetland crossing utilizing timber matting across an Unnamed Tributary to Brush Run (WWF) temporarily impacting 0.011 acre of EV PEM wetlands, (5) construct and maintain one (1) utility pole on the left side of the floodway of Dunning Creek (WWF) impacting 2 square feet, (6) construct and maintain a 155-foot long utility line aerial crossing of Dunning Creek (WWF) with an under-clearance of 25-feet, (7) construct and maintain one (1) utility pole in the floodway of and impacting 2 square feet of an Unnamed Tributary to Oppenheimer Run (WWF), (8) construct an 8-foot wide x 25-foot long steel plate temporary stream crossing across an Unnamed Tributary to Oppenheimer (WWF) (Latitude: 40° 06' 42.3" Longitude: -78° 31' 25.3"), (9) construct a 4-foot wide x 25-foot long steel plate temporary stream crossing across an Unnamed Tributary to Oppenheimer Run (WWF) (Latitude: 40° 07' 41.9" Longitude: -78° 31' 01.5"), (10) construct a 4-foot wide x 25-foot long steel plate temporary stream crossing across an Unnamed Tributary to Oppenheimer Run (WWF) (Latitude: 40° 08' 10.6" Longitude: -78° 30' 42.4"), (11) construct and maintain one (1) utility pole in the floodway of and impacting 2 square feet of an unnamed Tributary to Oppenheimer Run (WWF) (Latitude: 40° 08' 32.6" Longitude: -78° 30' 32.7"), (12) construct and maintain an aerial electric utility line crossing of an unnamed body of water, (13) construct a 56-foot long temporary wetland crossing utilizing timber matting impacting 0.032 acre of PEM wetlands, (14) construct and maintain a 99-foot long aerial electric utility line crossing over and across a PEM wetland (Latitude: 40° 5' 37.2" Longitude: -78° 31' 38.5"), (15) remove an existing utility pole from a wetland permanently impacting 4 square feet of an EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (16) construct and maintain a 160-foot long aerial electric utility line crossing across and over an EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (17) remove an existing utility pole from a wetland permanently impacting 4 square feet of an EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (18) construct and maintain a utility pole structure consisting of two (2) poles permanently impacting 4 square feet of EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (19) construct a 32-foot long temporary wetland crossing utilizing timber matting impacting 0.018 acre of EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (20) construct and maintain a 32-foot long

aerial electric utility line crossing across and over an EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (21) construct and maintain a utility pole and associated guy wires in an EV PEM wetland permanently impacting 2 square feet (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (22) construct a 150-foot long temporary wetland crossing utilizing timber matting impacting 0.086 acre of EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (23) construct and maintain a 490-foot long aerial electric utility line crossing across and over an EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), (24) remove existing utility pole structures from a wetland temporarily impacting 4 square feet of EV PEM wetland (Latitude: 40° 5' 53.6" Longitude: -78° 31' 35.1"), and (25) construct a 50-foot long temporary wetland crossing utilizing timber matting impacting 0.013 acre of PEM wetland (Latitude: 40° 8' 34.0" Longitude: -78° 30' 38.9"), for the purpose of installing a single circuit 115kV electric transmission line between the Bedford North and Osterburg East substations. The project is located between the Bedford North Substation and the Osterburg East Substation in the vicinity of Interstate 99 (Bedford, New Enterprise and, Alum Bank, PA Quadrangles between Latitude: 40° 04' 29.4" Longitude: -78° 31' 7.4" and Latitude: 40° 08' 52.4" Longitude: -78° 30' 25.1").

The following activities are waived under Chapter 105.12.a.3. (1) an aerial cross of an Unnamed Tributary to Dunning Creek which is an intermittent stream classified as a warm water fishery, (2) an aerial cross of an Unnamed Tributary to Brush Run which is a perennial stream classified as a warm water fishery, (3) two aerial crossings of Oppenheimer Run which is a perennial stream classified as a warm water fishery, (4) four aerial crossings of an Unnamed Tributary to Oppenheimer Run which is an intermittent stream classified as a warm water fishery, (5) nine aerial crossings of PEM wetlands, and (6) one aerial crossing of a PFO wetland.

**E28-372: Larry Harshman**, 1227 Clay Hill Road, Chambersburg, Pennsylvania 17202-9334, in Antrim Township, **Franklin County**, ACOE Baltimore District

To construct and maintain: 1) an 8.0-foot high by 108.0-foot diameter concrete agricultural waste storage facility located within the floodway of an unnamed tributary to Muddy Run (HQ-CWF, MF), 2) a 12-inch diameter stormwater outfall with endwall and riprap apron, 3) a 15-inch diameter stormwater outfall with endwall and riprap apron, and 4) an 8-inch diameter manure storage underdrain discharging to an Unnamed Tributary to Muddy Run (HQ-CWF, MF). The project is located at 1227 Clay Hill Road (Greencastle, PA Quadrangle; N: 12.61 inches, W: 6.08 inches; Latitude: 39°49'10", Longitude: -77°40'06") in Antrim Township, Franklin County. The purpose of the project is to control and prevent barnyard runoff and manure from flowing into the stream.

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

**E17-473. Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830-2405. Clearfield Municipal Wastewater Treatment Facility Phase II Improvement Project, Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle Latitude: 41° 01' 27.6"; Longitude: 78° 24' 2.1").

The applicant proposes to modify, operate and maintain an existing wastewater treatment facility and its appurte-

nances along Clearfield Creek and West Branch, Susquehanna River for improved public wastewater treatment and receiving stream water quality. Improvement and upgrade to the existing treatment facility required encroachment of waterways, floodways and floodplains. Appurtenance structures to be constructed along the stream channels shall be limited to stormwater outfalls into Clearfield Creek and treated wastewater effluent outfall into the West Branch, Susquehanna River. The project is located along the northern right-of-way of SR 0322 at the confluence of Clearfield Creek and the West Branch, Susquehanna River.

**E18-476. John K. & Lydia L. Fisher**, 18 Embick Lane. Fisher Property, in Greene Township, **Clinton County**, ACOE Baltimore District (Loganton, PA Quadrangle N: 41°1'20.6"; W: -77° 18' 40.3").

To construct and maintain: 1) a rock armored screened water intake, 2) 50 feet of 14-inch buried pipe and 3) a 54-inch diameter overshot metal water wheel inside of a 9-foot by 5-foot by 5-foot cinder block buried structure, 4) to run an air compressor with tank in the left 100-year floodplain of Fishing Creek, 5) 390 linear feet by no deeper than 5 foot deep grass lined outlet channel and 6) a channel block between the main stream channel and a flood channel in the left floodway. The water wheel will generate compressed air to power the well pump and water supply to a chicken house. Electricity will not be generated with this system. The water will be returned to Fishing Creek after flowing through the water wheel system. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E32-498. GenOn Wholesale Generation, LP**, 121 Champion Way, Canonsburg, PA 15317-5817, East Wheatfield Township, **Indiana County**; ACOE Pittsburgh District

Applicant has been given consent to temporarily impact approximately 4,500 LF (approximately 13.8 acres) to the floodway of the Conemaugh River (WWF) in order to construct, operate, and maintain a groundwater collection and conveyance system. The project is located at the Seward Generating Station (New Florence, PA Quadrangle; N: 4.25 inches, W: 4.75 inches; Latitude: 40° 24' 12.4"; Longitude: 79° 02' 24.4") in East Wheatfield Township, Indiana County.

**E63-639. Southpointe Retail North, L.P.**, 375 Southpointe Boulevard, Suite 410, Canonsburg, PA 15317, Cecil Township, **Washington County**; ACOE Pittsburgh District

Applicant has been given consent to construct and maintain a 36-inch diameter culvert 22.9 feet in length, a 48-inch diameter culvert 19.4 feet in length and a 48-inch diameter stream enclosure approximately 561.2 feet in length in an Unnamed Tributary to Chartiers Creek (WWF) and to place and maintain fill in approximately 0.016 acre of wetlands associated with said stream for the purpose of expanding the existing building and parking lot in the Southpointe II development. The project is located on the west side of Southpointe Boulevard, approximately 1,450.0 feet north from the intersection of Southpointe Boulevard and Town Center Way (Canonsburg, PA Quadrangle N: 4.6 inches; W: 5.2 inches; Latitude: 40° 16' 32"; Longitude: 80° 09' 43") in Cecil Township, Washington County and will impact approxi-

mately 636.0 linear feet of stream channel and 0.01 acre of wetlands. To mitigate for these impacts, the applicant will create 0.016 acre of wetlands along Southpointe Boulevard and enhance 2,819.0 linear feet of UNT to Chartiers Creek with riparian fencing and bank stabilization.

**E56-357. Ursina Borough**, 418 Park Street, PO Box 55, Confluence, PA 15424, Ursina Borough, **Somerset County**; ACOE Pittsburgh District

Applicant has been given consent to construct and maintain one outfall structure on Laurel Hill Creek (HQ-CWF), and pipeline crossings on Laurel Hill Creek, Licking Creek, 5 unnamed tributaries of Laurel Hill Creek, and 3 wetland crossings for the purpose of constructing a sewage collection and treatment system. The project is located in Ursina Borough, Somerset County, Pennsylvania. (Pittsburgh ACOE District, Confluence Pa Quadrangle N: 11.7"; W 13.5"; latitude 39° 48' 59" longitude 79° 19' 54").

**E65-950. Kevin Chilko**, P. O. Box 204, Vandergrift, PA 15690, Washington and Bell Townships, **Westmoreland County**; ACOE Pittsburgh District

Applicant has been given consent to construct and maintain a single span bridge having a span of 40' and under clearance of 6' and width of 12' over Beaver Run (TSF). To construct and maintain an access road to the span in the floodway of Beaver Run, and to rehabilitate and maintain an existing mortared stone crossing with flow passing through two (2) 12' diameter culverts, all for the purpose of providing access to 13 acres of land. The project is located approximately 4,500 feet upstream of the confluence of Beaver Run and the Kiskiminetas River in Washington and Bell Townships, Westmoreland County (Vandergrift Pa Quadrangle; N: 12.1 inches; W: 10.0 inches; Latitude: 40° 34' 2"; Longitude: 79° 34' 20").

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

**E0829-064: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 121 linear feet of an unnamed tributary to Sugar Run (CWF, MF) (Wyalusing, PA Quadrangle, Latitude: 41°37'35", Longitude: -76°15'28");
2. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 1,690 square feet of a Palustrine Emergent Wetland and 3,514 feet of a Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'35", Longitude: -76°15'31");
3. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 400 square feet of a Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'37", Longitude: -76°15'43");
4. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and impacting 933 square feet of an adjacent Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'37", Longitude: -76°15'48");
5. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 3,976 square feet of a

Palustrine Emergent Wetland (Wyalusing, PA Quad-range, Latitude: 41°37'36", Longitude: -76°15'51");

6. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 700 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quad-range, Latitude: 41°37'35", Longitude: -76°15'59");

The project will result in 244 linear feet or 1,733 square feet of temporary stream impacts and 7,709 square feet (0.18 acre) of PEM and 3,514 square feet (0.08 acre) of PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

**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.

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

ESCP # ESCGP-1 0813801  
 Applicant Name Valley Energy, Inc.  
 Contact Person Edward Rogers  
 Address 5235 Keystone Ave, PO Box 340  
 City, State, Zip Sayre, PA 18840  
 County Bradford  
 Township(s) Asylum, Monroe & Towanda  
 Receiving Stream(s) and Classification(s) Susquehanna River (WWF)  
 Laning Creek (WWF)  
 Ellis Creek (WWF)  
 Towanda Creek (CWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-115-0032  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Scott Gregory  
 Address 6 Wyoming Sand Lane  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) UNT to 2050106 White Creek (CWF/MF)

ESCGP-1 # ESX12-015-0081 (01)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Windham Township  
 Receiving Stream(s) and Classification(s) Tribes to Parks Creek and Trout Brook (Both CWF/MF);  
 Secondary: Parks Creek and Trout Brook (Both CWF/MF)

ESCGP-1 # ESX13-117-0004  
 Applicant Name EQT Production Company  
 Contact Person Todd Klaner  
 Address 455 Racetrack Road, Suite 101  
 City, State, Zip Washington, PA 15301  
 County Tioga County  
 Township(s) Morris Township  
 Receiving Stream(s) and Classification(s) Basswood Run (CWF/MF), Paint Run (CWF/MF);  
 Secondary: Wilson Creek (CWF/MF), Stoney Fork (CWF/MF/EV)

ESCGP-1 # ESX13-015-0019  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Pkwy E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford County  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) UNT to Johnsons Creek (CWF/MF), UNT to Rummerfield Creek (WWF/MF)

ESCGP-1 # ESX13-081-0011  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Mary Patton  
 Address 100 Throckmorton Street, Suite 1200  
 City, State, Zip Fort Worth, TX 76102  
 County Lycoming County  
 Township(s) Jackson Township  
 Receiving Stream(s) and Classification(s) Packhorse Creek (EV), Pheasant Hollow (HQ/CWF), Bear Hollow (HQ/CWF);  
 Secondary: Grays Run Creek/Block House Creek (EV)  
 Posted in *PA Bulletin*, Vol. 43, No. 12, March 23, 2013 with incorrect permit number of ESX13-131-0001. This permit is now submitted with correct information.

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

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG 0413001	Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Beaver	Big Beaver Borough South Beaver Borough Chippewa Township	UNTs to North Fork Little Beaver Creek (HQ-CWF)

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

<i>ESCGP -1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
6213801	Glenn McCrea National Fuel Gas Supply Corporation 1100 State Street Erie PA 16501	Warren	Glade Township	Glade Run CWF; UNT Glad Run CWF; UNT Indian Hollow CWF; UNT Conewango Creek CWF

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-083-0077—Mckean Pipeline Segment C Metering Station  
Applicant Swepi LP  
Contact James Sewell  
Address 2100 Georgetown Drive, Suite 400  
City Sewickley State PA Zip Code 15143  
County Mckean Township(s) Hamlin(s)  
Receiving Stream(s) and Classification(s) South Branch Kinzua Creek & Windfall Run/Ohio River Basin in Allegheny River (List Q), HQ-CWF

ESCGP-2 #ESX13-019-0016—AK Steel Well Pad B  
Applicant XTO Energy  
Contact Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Butler(s)  
Receiving Stream(s) and Classification(s) Sawmill Run, Connoquenessing Creek, Beaver River

ESCGP-1 #ESX12-019-0172—Galli Pad  
Applicant SWEPI LP  
Contact H. James Sewell  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Oakland(s)  
Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek—HQ, WWF, Connoquenessing Creek—HQ, WWF, Connoquenessing Creek

ESCGP-1 #ESX13-019-0017—AK Steel Freshwater Impoundment  
Applicant XTO Energy Inc  
Contact Melissa Breitenbach  
Address 502 Keystone Drive  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Butler(s)  
Receiving Stream(s) and Classification(s) Sawmill Run and Rocklick Run/Connoquenessing Creek, WWF

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

12/19/12  
ESCGP-1 No: ESX12-063-0016  
Applicant Name: CNX Gas Company LLC  
Contact Person Ms Tara Meek  
Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
County: Indiana Township: Young  
Receiving Stream (s) And Classifications: Whisky Run and Tributaries 43217, 43219 & 43220 to Whisky Run (CWF) / Ohio River Watershed; Craig Run (WWF) Ohio River Watershed; Other

1/28/13  
ESCGP-1 No.: ESX13-125-0021  
Applicant Name: EQT Production Company  
Contact Person: Mr Todd Klaner

Address: 455 Racetrack Road Suite 101  
City: Washington State: PA Zip Code: 15301  
County: Washington Township(s): Union  
Receiving Stream(s) and Classifications: UNT to Lobbs Run and Monongahela River; Other—Monongahela River & Lobbs Run designated use is WWF

1/28/13  
ESCGP-1 No.: ESX11-059-0054 Major Revision  
Applicant Name: Chevron Appalachia LLC  
Contact Person: Alex Genovese  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Greene Township(s): Center  
Receiving Stream(s) and Classifications: UNT to Clear Run (HQ-WWF), Clear Run (HQ-WWF), and UNT to Rush Run (HQ-WWF) / Tenmile Creek Watershed; HQ

12/28/12  
ESCGP-1 No.: ESX12-125-0141  
Applicant Name: Range Resources Appalachia LLC  
Contact Person: Laura Rusmisel  
Address: 3000 Town Center Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Hanover  
Receiving Stream(s) and Classifications: UNTs to Raccoon Creek (WWF) and Raccoon Creek (WWF)/ Raccoon Creek Watershed (WWF); Other

1/28/13  
ESCGP-1 No.: ESX11-051-0024 Major Revision  
Applicant Name: Laurel Mountain Midstream Operating LLC  
Contact Person: Kristy Flavin  
Address: Westpoint Center 3 1605 Coraopolis Heights Rd  
City: Moon Township State: PA Zip Code: 15108  
COUNTY Fayette Township(s): German, Nicholson  
Receiving Stream(s) and Classifications: UNT to Dunlap Creek (WWF), UNT to North Branch Browns Run (WWF), UNTs to South Branch Browns Run (WWF), South Branch Browns Run (WWF), UNTs to Jacobs Creek (WWF); Other

10/11/12  
ESCGP-1 No.: ESX12-005-0017  
Applicant Name: Laurel Mountain Midstream Operating LLC  
Contact Person: Jayme Stotka  
Address: 1605 Coraopolis Heights Road  
City: Moon Township State: PA Zip Code: 15108  
County: Armstrong Township(s): Burrell, Kiskiminetas, and South Bend  
Receiving Stream(s) and Classifications: UNT to Crooked Creek, Baker Hollow & (3) UNTs to same, Roaring Run & (1) UNT to same. (2) UNTs to Long Run Big Run & (2) UNTs to same; Other

9/27/12  
ESCGP-1 No.: ESX09-129-0031 Major Revision  
Applicant Name: WPX Energy Appalachia LLC  
Contact Person: Mr David R Freudenrich

Address: 6000 Town Center Boulevard Suite 300  
 City: Canonsburg State: PA Zip Code 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: Union Run/Ohio  
 River Watershed; Other WWF (WARM WATER  
 FISHES)

1/25/13

ESCGP-1 No.: ESX09-129-0001 Major Revision  
 Applicant Name: WPX Energy Appalachia LLC  
 Contact Person: MR David R Freudenrich  
 Address: 6000 Town Center Boulevard Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: Stony Run and  
 Union Run / Ohio River Watershed; Other CWF &  
 WWF respectively

1/24/13

ESCGP-1 No.: ESX11-059-0038 Major Revision  
 Applicant Name: Energy Corporation of America  
 Contact Person: Mr Travis Wendel  
 Address: 101 Heritage Run Rd Suite 1  
 City: Indiana State: PA Zip Code: 15701  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: South Branch  
 Muddy Creek/ Lower Monongahela Watershed; Other

12/14/12

ESCGP-1 NO.: ESX12-129-0028  
 Applicant Name: RW Gathering LLC  
 CONTACT PERSON: Mr Mark Colenbrander  
 ADDRESS: 6000 Town Center Boulevard Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: Union Run—  
 WWF UNT to Union Run—WWF UNT to McGee  
 Run—CWF; Other

10/23/12

ESCGP-1 NO.: ESX12-125-0125  
 Applicant Name: Range Resources Appalachia LLC  
 CONTACT: Ms Laura M Rusmisl  
 ADDRESS: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Buffalo  
 Receiving Stream(s) and Classifications: UNTs to Buffalo  
 Creek / Wheeling-Buffalo Creek Watershed (HQ-WWF);  
 HQ

12/6/12

ESCGP-1 NO.: ESX12-059-0013 Major Revision  
 Applicant Name: Vantage Energy Appalachia II LLC  
 CONTACT: Mr Nick Mongelluzzo  
 ADDRESS: 226 Elm Drive Suite 102  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNT to South  
 Fork Tenmile Rush Run; HQ

12/31/12

ESCGP-1 NO.: ESX12-005-0014 Major Revision  
 Applicant Name: EQT Production Company  
 CONTACT: Mr Todd Klaner  
 ADDRESS: 455 Racetrack Road Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Armstrong Township(s): Burrell and Kittanning  
 Receiving Stream(s) and Classifications: UNT to Crooked  
 Creek (WWF); Other

10/31/12

ESCGP-1 NO.: ESX12-063-0011  
 Applicant Name: True Oil LLC  
 CONTACT: Mr Thomas J Walker

ADDRESS: PO Drawer 2360  
 City: Casper State: WY Zip Code: 82602  
 County: Indiana Township(s): West Mahoning  
 Receiving Stream(s) and Classifications: UNTs Little  
 Mahoning Creek; HQ

1/11/13

ESCGP-1 NO.: ESX13-059-0004  
 Applicant Name: Appalachia Midstream Services LLC  
 CONTACT: Mr Toby Lattea  
 ADDRESS: 179 Chesapeake Drive  
 City: Jane Lew State: WV Zip Code: 26378-8601  
 County: Greene Township(s): Springhill  
 Receiving Stream(s) and Classifications: See Appendix  
 A—Receiving Water; Other

1/22/13

ESCGP-1 NO.: ESX13-125-0006  
 Applicant Name: MarkWest Liberty Midstream &  
 Resources LLC  
 CONTACT: Mr Rick Lowry  
 ADDRESS: 601 Technology Drive Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Blaine  
 Receiving Stream(s) and Classifications: Buffalo Creek/  
 Wheeling-Buffalo Creek; HQ

12/18/12

ESCGP-1 NO.: ESX12-059-0055  
 Applicant Name: Alpha Shale Resources LP  
 CONTACT: Mr Toby Z Rice  
 ADDRESS: 171 Hillpointe Drive Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Jackson  
 Receiving Stream(s) and Classifications: Three (3) UNT  
 to Garner Run (HQ-WWF); HQ

1/28/13

ESCGP-1 NO.: ESX13-059-0009  
 Applicant Name: EQT Production Co  
 CONTACT: Mr Todd Klaner  
 ADDRESS: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Morris and Center  
 Receiving Stream(s) and Classifications: Browns Creek  
 (HQ-WWF) UNT to Browns Creek (HQ-WWF) Rush  
 Run (HQ-WWF) South Fork Ten Mile Creek Water  
 shed; HQ; Other

#### 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 #: 113-20206-00-00

Well Farm Name Huey N Sul 5H

Applicant Name: Chesapeake Appalachia, LLC.

Contact Person: Eric Haskins

Address: 101 North Main Street, Athens, PA 18810

County: Sullivan

Municipality Elkland 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: Shunk, Elk Creek.

Well Permit #: 115-20898-00-00

Well Farm Name Seamans 3H

Applicant Name: Southwestern Energy Prod Co.

Contact Person: John R. Nicholas

Address: 2350 N. Sam Houston Parkway, East, Houston, Texas 77032

County: Susquehanna

Municipality Harford 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: Montrose East, Martins Creek and Lower Lake into an unnamed Tributary to the East Branch of Martins Creek.

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## SPECIAL NOTICES

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### **Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

*Northcentral Region: Waste Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

The Department of Environmental Protection (Department) approved the Municipal Waste Management Substantial Regional Plan Revision ("Revision") submitted on behalf of Lycoming, Snyder, Union, Montour and Columbia Counties ("Counties") on February 26, 2013. The Revision provides capacity assurance for the processing and disposal of municipal waste that is expected to be generated within the five counties for the next ten years and solicited support for an integrated waste and recyclables management program within the region. After a national solicitation the Revision includes a menu plan for allowing municipal waste to be accepted at numerous permitted municipal waste disposal facilities. All facilities that requested to be made part of the Revision were accepted by the Counties. The Approval for the Revision

provides that each year the Counties shall examine disposal capacity and solicit additional disposal capacity as needed.

The Revision is a public document and may be viewed at the Northcentral Regional Office, at the address noted above. Questions concerning the approval of the Revision should be directed to Patrick Brennan, Program Manager, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, at the Northcentral Regional Office at (570) 327 3431.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa. C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### **Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Doylestown Stream Watershed in Franklin County**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Doylestown Stream Watershed in Franklin County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation and nutrients.

There currently are no state or federal instream numerical water quality criteria for siltation or nutrients. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment and nutrients in the Doylestown Stream Watershed. The loadings were allocated among cropland, hay/pasture land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment and nutrient loadings for the watershed. Overall the load reduction necessary in order to meet the TMDLs is also identified.

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>
Sediment	1,777,046	4,869	1,375,696	3,769
Nutrients	1,193	3.27	1,172	3.21

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Gary M. Gocek, Water Program Specialist, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-772-1674, e-mail: [ggocek@pa.gov](mailto:ggocek@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs)  
Developed for the Dry Run Watershed in Franklin County**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Dry Run Watershed in Franklin County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Dry Run Watershed. The sediment loadings were allocated among cropland, hay/pasture land, coal mines/quarry and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall the load reduction necessary in order to meet the TMDLs is also identified.

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>
Sediment	1,912,118	5,239	1,264,250	3,464

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Gary M. Gocek, Water Program Specialist, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-772-1674, e-mail: [ggocek@pa.gov](mailto:ggocek@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 13-620. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for April 17, 2013, has been cancelled. The next meeting is scheduled to occur on June 19, 2013, at 10 a.m. in Susquehanna Room A of the Department of Environmental Protection Southcentral Regional Office Building.

Questions concerning the cancellation of the April 17, 2013, meeting or the June 19, 2013, meeting should be directed to Steven Wm. Taglang, Bureau of Conservation and Restoration, (717) 783-7577, [staglang@pa.gov](mailto:staglang@pa.gov). The agenda and materials for the June 19, 2013, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-7577 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. 13-621. Filed for public inspection April 5, 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:** 253-0300-100. **Title:** The Land Recycling Program Technical Guidance Manual. **Description:** The Land Recycling Program Technical Guidance Manual was last revised on June 8, 2002. This manual provides guidance for implementing the Chapter 250 regulations promulgated under the Land Recycling and Environmental Remediation Standards Act (Act 2 of 1995). This document is very large and as such, it is posted on the web in sections. Section V, Related Documents of Interest, is a reference listing that provides the user with web links for various topics related to application of the guidance manual. As the manual is now several years old, many of the provided links in Section V are broken, largely due to changes in naming conventions for web site continuity. This minor revision corrects the links to the appropriate referenced documents. No new links have been added, nor has the substance of the provided links been altered.

**Contact:** Questions regarding this action should be directed to Dave Crownover, dcrownover@pa.gov or (717) 783-7816.

*Effective Date:* April 6, 2013.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-622. Filed for public inspection April 5, 2013, 9:00 a.m.]

### **Draft Environmental Assessment for the Implementation of the Conservation Reserve Enhancement Program in the Delaware River Basin; Notice of Availability**

The United States Department of Agriculture, Farm Service Agency (FSA) announces the availability of a Draft Environmental Assessment (EA) of the subject proposal. The primary objective is to implement the Delaware River Basin Conservation Reserve Enhancement Program (CREP) by enrolling 20,000 acres in seven counties of Eastern Pennsylvania (Pike, Monroe, Northampton, Lehigh, Bucks, Montgomery and Delaware Counties). CREP is a voluntary conservation program for agricultural landowners.

The FSA is accepting comments regarding this Draft EA for 15 days from this publication date. The Draft EA can be reviewed in person in the FSA offices located at One Credit Union Place, Suite 320, Harrisburg, PA 17110.

A copy of the Draft EA can be viewed on the FSA web site, Current National Environmental Policy Act documents section, at <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=ecrc&topic=nep-cd>. Comments can be submitted to Sharon Yates, A.D. Marble & Company, 375 East Elm Street, Suite 101, Conshohocken, PA 19428 or syates@admarble.com.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-623. Filed for public inspection April 5, 2013, 9:00 a.m.]

### **Modification of Residual Waste General Permit WMGR081**

*Permit Modification Proposed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash*

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

General Permit Number WMGR081 authorizes processing by disassembling, mechanical processing (by sizing, shaping, separating and volume reduction only) and associated storage prior to reuse or recycling at the processing or transfer facility, of uncontaminated and source-separated electronic devices.

The Department of Environmental Protection (Department) is proposing a number of modifications to the General Permit to:

1. Support the implementation of the Covered Device Recycling Act (35 P. S. §§ 6031.101—6031.702).
2. Transfer authority from the Department's central office to the regional offices to approve the determination of applicability.
3. Extend coverage of General Permit Number WMGR081 to electronic waste transfer facilities.
4. Require processing and storage to take place in an enclosed facility.

The Department is soliciting public comment on proposed modifications to General Permit Number WMGR081.

The proposed General Permit, with modifications, is available on the Department's Public Participation web site at <http://www.portal.state.pa.us/portal/server.pt/community/proposals/14008>. Copies may also be obtained by contacting the Division of Municipal and Residual Waste at (717) 787-7381.

Written comments concerning modification to General Permit Number WMGR081 should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T

Relay Service at (800) 654-5984. Comments may also be submitted at ra-epbenuseall@pa.gov. When submitting e-mail comments, type "Comments on WMGR081" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of, the modifications. For more information, contact the Division of Municipal and Residual Waste at (717) 787-7381.

Persons with questions concerning the general permit modifications may contact Scott E. Walters at scwalters@pa.gov or at the telephone number listed previously. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 13-624. Filed for public inspection April 5, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Golden LivingCenter—South Hills  
201 Village Drive  
Canonsburg, PA 15317

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b) (relating to nursing services):

Rothermel L. Caplan Transitional Care Unit  
Willow at Fourth Street, P. O. Box 1282  
Lebanon, PA 17046  
FAC ID 121102

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. 13-625. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Nursing Home Patient Safety Trust Fund Surcharge for Fiscal Year 2012-2013 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act

Sections 401—411 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.401—1303.411) require nursing homes to electronically report health care-associated infection (HAI) data to the Department of Health (Department) and the Patient Safety Authority (Authority). Mandatory reporting of nursing home HAIs was implemented in June 2009.

Section 409 of the MCARE Act states that every fiscal year, beginning July 1, 2008, each nursing home shall pay the Department a surcharge on its licensing fee to provide sufficient revenues for the Authority to perform its responsibilities related to this Act. The base amount of \$1 million for Fiscal Year (FY) 2008-2009 has the potential to be increased no more than the Consumer Price Index in each succeeding fiscal year.

The FY 2010-2011 surcharge was \$800,000. The Authority has recommended that the FY 2012-2013 surcharge assessment total \$900,000.

To assess the surcharge in an equitable manner, the number of licensed nursing home beds as of December 31, 2012, was totaled and that amount was divided into \$900,000. The total number of licensed beds is 88,599. This equates to a surcharge of \$10.158 per bed.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@pa.gov, and request the 2012-2013 MCARE surcharge assessment list for Nursing Care Facilities.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a nursing care facility has questions concerning this notice, a representative from that facility should contact Susan Williamson, Director, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, 825 Forster Street, Harrisburg, PA 17120, (717) 787-1816.

Persons with a disability who require an alternative format of this document (for example, large print, audio-tape or Braille) should contact Susan Williamson at the address or telephone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-626. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Patient Safety Trust Fund Surcharge for Fiscal Year 2012-2013 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S.

§§ 1303.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year.

Initially, the surcharge was assessed on ambulatory surgical facilities, birth centers and hospitals. Subsequently, the MCARE Act was amended and certain abortion facilities were also required to pay the surcharge.

With the cooperation of hospitals, birthing centers, abortion facilities and ambulatory surgery facilities in this Commonwealth, the surcharge has been implemented and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2012-2013. The Authority FY 2012-2013 surcharge assessment is \$5.5 million. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ambulatory surgical facilities (ASFs), birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1088). Also included, as of May 1, 2006, are abortion facilities which are defined in 18 Pa.C.S. § 3203 (relating to definitions) and which perform 100 or more abortions during a calendar year. Nursing homes, which are assessed under sections 401—411 of the MCARE Act (40 P. S. §§ 1303.401—1303.411), receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion facilities, the Department has chosen the number of operating and procedure rooms. For hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen December 31, 2012.

The number of operating/procedure rooms (for ASFs, birth centers and abortion facilities) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$5.5 million to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 44,762. Dividing this number into \$5.5 million results in a per unit assessment for each installment of approximately \$122.87.

To obtain a copy of the assessment for all facilities, send an e-mail to [paexcept@pa.gov](mailto:paexcept@pa.gov), and request the 2012-2013 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorized the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Joanne Salsgiver, Director, Department of Health, Division of Acute and Ambulatory Care, 625 Forster Street, Health and Welfare Building, Room 532, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-627. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program Advisory Council, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Thursday, April 25, 2013. The meeting will be held at the Family Health Council of Central PA, 3461 Market Street, Suite 200, Camp Hill, PA 17011 from 10 a.m. to 3 p.m.

For additional information, contact John Haines, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 611, Health and Welfare Building, Harrisburg, PA 17120, (800) 922-9384.

Persons with a disability, who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact John Haines at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-628. Filed for public inspection April 5, 2013, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
J. Michael's Painting, Inc. and James Michael Purvis, Ind. FEIN No. 51-0363448	P. O. Box 7767 Newark, DE 17714	3/8/2013

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 13-629. Filed for public inspection April 5, 2013, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Nursing Facility Assessment Program for Fiscal Year 2012-2013

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is implementing for Fiscal Year (FY) 2012-2013, provides an explanation of the assessment methodology that the Department is using in FY 2012-2013 and identifies the estimated aggregate impact on nursing facilities which will be subject to the assessment.

### *Background*

Article VIII-A of the Public Welfare Code (code) (62 P. S. §§ 801-A—815-A) authorizes the Department to impose an annual monetary assessment on private and county nursing facilities in this Commonwealth each fiscal year through FY 2015-2016. Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). See 62 P. S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Federal Centers for Medicare and Medicaid Services if necessary to implement the Assessment Program. See 62 P. S. § 812-A.

For each fiscal year that the Assessment Program is implemented, the code authorizes the Secretary of the Department (Secretary) to determine the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See 62 P. S. § 804-A. The law specifies that annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the

maximum aggregate assessment amount that qualifies for Federal matching funds. See 62 P. S. § 805-A.

The Secretary must publish a notice in the *Pennsylvania Bulletin* before imposing an annual assessment for a fiscal year. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P. S. § 805-A.

After consideration of any comments received during the 30-day comment period, the Secretary must publish a final notice announcing the rate of assessment for the fiscal year. See 62 P. S. § 805-A. The annual aggregate assessment amount and assessment rate for the fiscal year must be approved by the Governor. See 62 P. S. § 804-A.

The Secretary published a notice at 42 Pa.B. 3820 (June 30, 2012) announcing the proposed assessment rates, the aggregate amount and the impact for FY 2012-2013. A second notice was published at 42 Pa.B. 6223 (September 29, 2012) announcing updated proposed assessment rates and the estimated aggregate impact on nursing facilities for FY 2012-2013. There was no change to the proposed assessment methodology announced at 42 Pa.B. 3820. The maximum aggregate assessment amount that qualifies for Federal matching funds was recalculated after passage of the General Appropriations Act for 2012-2013. No comments were received by the Department in response to the proposed rates notices.

### *Assessment Methodology and Rates for FY 2012-2013*

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2012-2013:

- (1) State owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

The Department will assess nonexempt nursing facilities at two rates. One rate will apply to three categories of nursing facilities: county nursing facilities; nursing facilities that have 50 or fewer licensed beds; and certain continuing care retirement community (CCRC) nursing facilities. See 40 Pa.B. 7297 (December 18, 2010). The other rate will apply to all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010. Using the applicable rate, the Department will calculate each nonexempt facility's quarterly assessment amount by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately preceded the assessment quarter. This rate structure is the same structure that was used in FY 2011-2012.

Although the Department will maintain the same basic rate structure for FY 2012-2013, the Department is increasing the assessment rates for nonexempt nursing facilities from the rates in FY 2011-2012. For FY 2012-2013, the assessment rates for nonexempt nursing facilities will be as follows:

- (1) For county nursing facilities, for nursing facilities that have 50 or fewer licensed beds and for grandfathered

CCRC nursing facilities, the assessment rate will be \$8.09 per non-Medicare resident day.

(2) For all other nonexempt nursing facilities, the assessment rate will be \$29.54 per non-Medicare resident day.

Assessment payments are due the last day of the assessment quarter or 30 days after publication of this final notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>.

#### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$463.851 million. The Department will use the State revenue derived from the assessment fees and any associated Federal matching funds to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Marilyn Yocum, Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Strategic Planning, 555 Walnut Street, Forum Place, 6th Floor, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-813. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-630. Filed for public inspection April 5, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Million \$\$ Match Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million \$\$ Match.

2. *Price:* The price of a Pennsylvania Million \$\$ Match instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Million \$\$ Match instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the

"WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Coins (COINS) symbol and a Vault (VAULT) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$250, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Million \$\$ Match instant game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$1,000 (ONE THO) appears

under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$500 (FIV HUN) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$250 (TWOHUNFTY) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Coins (COINS) symbol, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$100 (ONE HUN) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30<sup>00</sup> (THIRTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$30<sup>00</sup> (THIRTY) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With:*

\$10 × 2  
 (\$10 w/ VAULT) × 2  
 \$20 w/ VAULT  
 \$20

Win:  
 \$20  
 \$20  
 \$20  
 \$20

*Approximate Odds Are 1 In:*  
 30  
 30  
 30  
 30

*Approximate No. Of Winners Per 6,600,000 Tickets*  
 220,000  
 220,000  
 220,000  
 220,000



When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,600,000 Tickets	
\$25 w/ VAULT	\$25	30	220,000
\$25	\$25	30	220,000
\$30 w/ VAULT	\$30	50	132,000
\$30	\$30	75	88,000
\$10 × 4	\$40	300	22,000
\$20 × 2	\$40	300	22,000
(\$20 w/ VAULT) × 2	\$40	150	44,000
\$40	\$40	300	22,000
\$10 × 5	\$50	300	22,000
\$25 × 2	\$50	300	22,000
(\$40 w/ VAULT) + \$10	\$50	100	66,000
\$50 w/ VAULT	\$50	100	66,000
\$50	\$50	150	44,000
\$10 × 10	\$100	300	22,000
\$25 × 4	\$100	300	22,000
(\$20 w/ VAULT) × 5	\$100	300	22,000
\$100 w/ VAULT	\$100	300	22,000
\$100	\$100	300	22,000
\$25 × 10	\$250	1,200	5,500
\$250 w/ COINS	\$250	240	27,500
\$250 w/ VAULT	\$250	1,200	5,500
\$250	\$250	1,200	5,500
\$50 × 10	\$500	3,000	2,200
\$250 × 2	\$500	3,000	2,200
(\$250 w/ COINS) × 2	\$500	600	11,000
(\$25 w/ VAULT) × 20	\$500	3,000	2,200
\$500 w/ VAULT	\$500	3,000	2,200
\$500	\$500	3,000	2,200
\$250 × 4	\$1,000	12,000	550
\$500 × 2	\$1,000	12,000	550
(\$250 w/ COINS) × 4	\$1,000	1,714	3,850
(\$50 w/ VAULT) × 20	\$1,000	12,000	550
\$1,000 w/ VAULT	\$1,000	12,000	550
\$1,000	\$1,000	12,000	550
\$500 × 20	\$10,000	132,000	50
\$10,000	\$10,000	132,000	50
\$100,000	\$100,000	440,000	15
\$1,000,000	\$1,000,000	1,320,000	5

Reveal a "VAULT" (VAULT) symbol, win the prize shown under it automatically.  
Reveal a "COINS" (COINS) symbol, win \$250 instantly.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Million \$\$ Match instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Million \$\$ Match instant game, prize money from Pennsylvania Million \$\$ Match instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Million \$\$ Match instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61

Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million \$\$ Match instant game or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-631. Filed for public inspection April 5, 2013, 9:00 a.m.]

## Pennsylvania Mustache Cash Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby

provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mustache Cash.
2. *Price:* The price of a Pennsylvania Mustache Cash instant lottery game ticket is \$1.
3. *Prize Play Symbols:* Each Pennsylvania Mustache Cash instant lottery game ticket will contain one play area. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).
4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$2, \$3, \$5, \$10, \$20, \$40, \$100, \$1,000 and \$10,000.
5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Mustache Cash instant lottery game.
6. *Determination of Prize Winners:*
  - (a) Holders of tickets with three matching prize play symbols of \$10,000 (TEN THO) in the play area, on a single ticket, shall be entitled to a prize of \$10,000.
  - (b) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.
  - (c) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

- (d) Holders of tickets with three matching prize play symbols of \$40<sup>00</sup> (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.
  - (e) Holders of tickets with three matching prize play symbols of \$20<sup>00</sup> (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.
  - (f) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.
  - (g) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.
  - (h) Holders of tickets with three matching prize play symbols of \$3<sup>00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.
  - (i) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.
  - (j) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Mustache Cash instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.
7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get Three Like Amounts, Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
3 - FREEs	FREE \$1 TICKET	9.52	1,512,000
3 - \$2s	\$2	20	720,000
3 - \$3s	\$3	33.33	432,000
3 - \$5s	\$5	96.77	148,800
3 - \$10s	\$10	57.69	249,600
3 - \$20s	\$20	750	19,200
3 - \$40s	\$40	1,000	14,400
3 - \$100s	\$100	4,000	3,600
3 - \$1,000s	\$1,000	48,000	300
3 - \$10,000s	\$10,000	720,000	20

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mustache Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).
9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mustache Cash, prize money from winning Pennsylvania Mustache Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Mustache Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will

be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.
11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mustache Cash or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-632. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Pennsylvania 7-11-21® '13 Instant Lottery Game**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 7-11-21® '13.

2. *Price:* The price of a Pennsylvania 7-11-21® '13 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania 7-11-21® '13 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11" and "GAME 12." The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWONE) and a 10X (10TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$30, \$40, \$50, \$100, \$300, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania 7-11-21® '13 instant lottery game.

**7. Determination of Prize Winners:**

(a) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the play symbols in a "GAME" is a 10X (10TIMES) and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$300 (THR HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets upon which any one of the play symbols in a "GAME" is a 10X (10TIMES) and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$300.

(g) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the play symbols in a "GAME" is a 10X (10TIMES) and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the play symbols in a "GAME" is a 10X (10TIMES) and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the play symbols in a "GAME" is a 7 (SEVEN), 11 (ELEVN) or 21 (TWONE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a 7, 11 or 21 In Any Game, Win Prize Shown For That Game. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 15,600,000 Tickets:</i>
\$5	\$5	8.57	1,820,000
\$5 × 2	\$10	28.57	546,000
\$10	\$10	30	520,000

Reveal a 7, 11 or 21 In Any Game, Win Prize Shown For That Game. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 15,600,000 Tickets:
\$5 × 4	\$20	200	78,000
\$10 × 2	\$20	200	78,000
\$20	\$20	150	104,000
\$5 × 6	\$30	300	52,000
\$10 × 3	\$30	300	52,000
\$20 + \$10	\$30	300	52,000
\$30	\$30	300	52,000
\$5 × 8	\$40	300	52,000
\$10 × 4	\$40	600	26,000
\$20 × 2	\$40	600	26,000
\$40	\$40	600	26,000
\$5 × 10	\$50	600	26,000
\$30 + \$20	\$50	600	26,000
\$5 w/ 10X	\$50	600	26,000
\$50	\$50	600	26,000
(\$5 × 10) + \$30 + \$20	\$100	600	26,000
\$10 × 10	\$100	1,200	13,000
\$20 × 5	\$100	1,412	11,050
(\$5 w/ 10X) × 2	\$100	1,200	13,000
\$10 w/ 10X	\$100	1,200	13,000
\$100	\$100	1,412	11,050
\$30 × 10	\$300	12,000	1,300
(\$5 w/ 10X) × 6	\$300	12,000	1,300
\$30 w/ 10X	\$300	6,000	2,600
\$300	\$300	12,000	1,300
\$100 × 10	\$1,000	120,000	130
(\$10 w/ 10X) × 10	\$1,000	40,000	390
\$100 w/ 10X	\$1,000	40,000	390
\$1,000	\$1,000	120,000	130
(\$100 w/ 10X) × 10	\$10,000	1,418,182	11
\$10,000	\$10,000	1,418,182	11
\$100,000	\$100,000	1,418,182	11

Reveal a "10X" (10TIMES) symbol, win 10 times the prize shown for that game.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 7-11-21<sup>®</sup> '13 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 7-11-21<sup>®</sup> '13, prize money from winning Pennsylvania 7-11-21<sup>®</sup> '13 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 7-11-21<sup>®</sup> '13 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania 7-11-21<sup>®</sup> '13 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-633. Filed for public inspection April 5, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Meetings Scheduled

The Transportation Advisory Committee will hold a meeting on Thursday, April 11, 2013, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Julie Harmantzi at (717) 787-2913 or jharmantzi@pa.gov.

The Rail Freight Advisory Committee will hold a meeting on Monday, April 15, 2013, from 1 p.m. to 3 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Megan Mott at (717) 214-9757 or memott@pa.gov.

BARRY J. SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 13-634. Filed for public inspection April 5, 2013, 9:00 a.m.]

# FISH AND BOAT COMMISSION

## Temporary Changes to Fishing Regulations; Colyer Lake, Centre County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Colyer Lake, Centre County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective immediately. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until the Commission closes the lake to public use.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 13-635. Filed for public inspection April 5, 2013, 9:00 a.m.]

# GAME COMMISSION

## Chronic Wasting Disease Response No. 2

### Order

*Whereas*, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

*Whereas*, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

*Whereas*, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

*Whereas*, CWD has been designated a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

*Whereas*, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

*Whereas*, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a detrimental impact on both Pennsylvania's wild and captive cervid populations; and

*Whereas*, the Pennsylvania Department of Agriculture (PDA) and the Pennsylvania Game Commission (PGC) have detected CWD in two captive deer in Adams County and York County; and

*Whereas*, PDA and PGC have also detected CWD in three free-ranging deer in Bedford and Blair counties; and

*Whereas*, PDA and the PGC are signatories on the Commonwealth's CWD Response Plan; and

*Whereas*, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

*Whereas*, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of CWD.

*Now Therefore*, I, Carl G. Roe, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. Disease Management Areas (DMAs) are designated as set forth below. These DMAs are more graphically illustrated on the maps titled "DMA 1" and "DMA2" and attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps DMA 1 and DMA 2, the written descriptions shall prevail.

a. *DMA 1*: Adams and York Counties, Pennsylvania, bounded and described as follows: Starting at the intersection of I-76 and the west bank of the Susquehanna River heading south along the River (21.8 miles) to US Highway 30. Westbound on US Highway 30 (18.3 miles) to Highway 116. Highway 116 towards Hanover (13.7 miles). In Hanover southwest on State Highway 194 (7 miles) to Littlestown, then northwest on State Highway 97 (9.7 miles) to Gettysburg. In Gettysburg, north on State Highway 34 (14.3 miles) to the Idaville road. East on Idaville road (4.8 miles) to the intersection of State Highway 94. North State Highway 94 (2 miles) to Latimore road. East on Latimore Road (1.6 miles) to Mountain road. North on Mountain road (6.9 miles) to Dillsburg and the intersection of US Highway 15. North on US Highway 15 (3.2 miles) to the Yellow Breaches Creek (County Line). Northeast along the banks of the Yellow Breaches Creek (12.1 miles) to the intersection of I-76. East along I-76 (6.4 miles) to the intersection of Susquehanna River and the starting point.

b. *DMA 2*: Bedford, Blair, Cambria and Huntingdon Counties, Pennsylvania, bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of US Highway 30 and Graceville Road, proceed north on Graceville Road for approximately 3/4 miles to the Raystown Branch of the Juniata River. Follow the western shore of the river north for 28 1/4 miles to Lake Raystown. Continue north along the western shore of the lake for 45 miles to Raystown Dam. Continue north along the western shore of the Raystown Branch of the Juniata River for 5 3/4 miles to the confluence with the Juniata River. Continue west along the southern shore of the Juniata River to the intersection with US Highway 22. The DMA boundary follows US Highway 22 northwest for 12 1/2 miles to State Highway 453, then northwest along State Highway 453 for 9 miles to Tyrone. In Tyrone, the boundary follows the western, southbound lane of Interstate 99 6 1/2 miles to State Highway 865 at Bellwood. Follow State Highway 865 west 2 3/4 miles to Grandview Road (State Highway 4015). Follow Grandview Road south 6.4 miles to Juniata

Gap Road in Altoona. Follow Juniata Gap Road 4 miles to Skyline Drive. Follow Skyline Drive approximately 2 miles to State Highway 36. Follow State Highway 36 west 1 1/2 miles to State Highway 1015 (Coupon-Gallitzin Road). Follow State Highway 1015 south 5 1/4 miles to US Highway 22. Follow US Highway 22 west for approximately 4 miles to State Highway 53. Follow State Highway 53 south 6 1/2 miles State Highway 164 in Portage. Follow State Highway 164 (Puritan Road) 6 3/4 miles to Diamond Lane. Follow Diamond Lane 2 3/4 miles to State Highway 4035 (Blue Knob Road). Follow State Highway 4035 south 1 1/2 miles to Blue Knob Road. Follow Blue Knob Road south 3 3/4 miles to State Highway 869. Follow State Highway 869 1 mile south to Burkett Hill Road. Follow Burkett Hill Road 2.1 miles to Lovely Road. Follow Lovely Road 2.3 miles south to its Pleasant Hollow Road. Follow Pleasant Hollow Road 3 1/2 miles northwest to Calvary Hollow Road. Follow Calvary Hollow Road 2 3/4 miles to State Highway 56. Follow State Highway 56 east 2 miles to State Highway 96 in Pleasantville. Follow State Highway 96 south 10 miles to US Highway 30. Follow US Highway 30 east for 20 miles taking the four lane bypass north of Bedford and Everett boroughs to the start of the description.

2. Except as follows, the removal or exportation of high risk cervid parts from the above described DMAs is prohibited. The PGC may designate approved locations outside of the above described DMAs for the receipt of high risk cervid parts.

3. For the purposes of this Order, high-risk parts or materials shall be defined as any parts or materials derived from cervids which are known to accumulate abnormal prions. This includes any of the following:

- a. Head (including brain, tonsils, eyes and lymph nodes);
- b. Spinal Cord/Backbone (vertebra);
- c. Spleen;
- d. Skull plate with attached antlers, if visible brain or spinal cord material is present;
- e. Cape, if visible brain or spinal cord material is present;
- f. Upper canine teeth, if root structure or other soft material is present;
- g. Any object or article containing visible brain or spinal cord material;
- h. Brain-tanned hide.

4. For the purposes of this Order, high-risk parts or materials shall not include any of the following:

- i. Meat, without the backbone;
- j. Skull plate with attached antlers, if no visible brain or spinal cord material is present;
- k. Tanned hide or rawhide with no visible brain or spinal cord material present;
- l. Cape, if no visible brain or spinal cord material is present;

m. Upper canine teeth, if no root structure or other soft material is present; and

n. Taxidermy mounts, if no visible brain or spinal cord material is present.

5. All cervids killed within the DMAs are subject to CWD testing. This testing may require hunters to present cervids, or cervid parts, for checking and sampling at prescribed locations pursuant to conditions set forth in a forthcoming process. The process shall be made known through public announcement, website and other means reasonably intended to reach the widest audience. The cost of such testing and reporting to the hunter to be borne by the PGC.

6. The rehabilitation of cervids within the DMAs is prohibited.

7. The use or possession of cervid urine-based attractants is prohibited in any outdoor setting within the established DMAs.

8. Direct or indirect feeding of wild, free-ranging cervids within the DMAs is prohibited. This prohibition shall not be construed to apply to normal or accepted agricultural, habitat management, oil and gas drilling, mining, forest management or other legitimate commercial or industrial practices. If otherwise lawful feeding is attracting cervids, the PGC may provide written notice prohibiting such activity. Failure to discontinue such activity is a violation of this Order. For the purposes of this Order, feeding shall include the act of placing any artificial or natural substance for the use or consumption of wild, free-ranging cervids on an annual, seasonal or emergency basis.

9. No new PGC permits to possess or transport live cervids in the DMAs may be issued.

10. Except as follows, the possession and removal of vehicular killed cervids, or parts therefrom, from areas within the DMAs to locations outside the DMAs is prohibited. The PGC may designate approved locations outside of the above described DMAs for the receipt of high risk cervid parts.

11. The requirements and restrictions of this Order are to be construed as separate from and in addition to any previous or future Executive Orders concerning the importation of high risk cervid parts from areas outside of this Commonwealth.

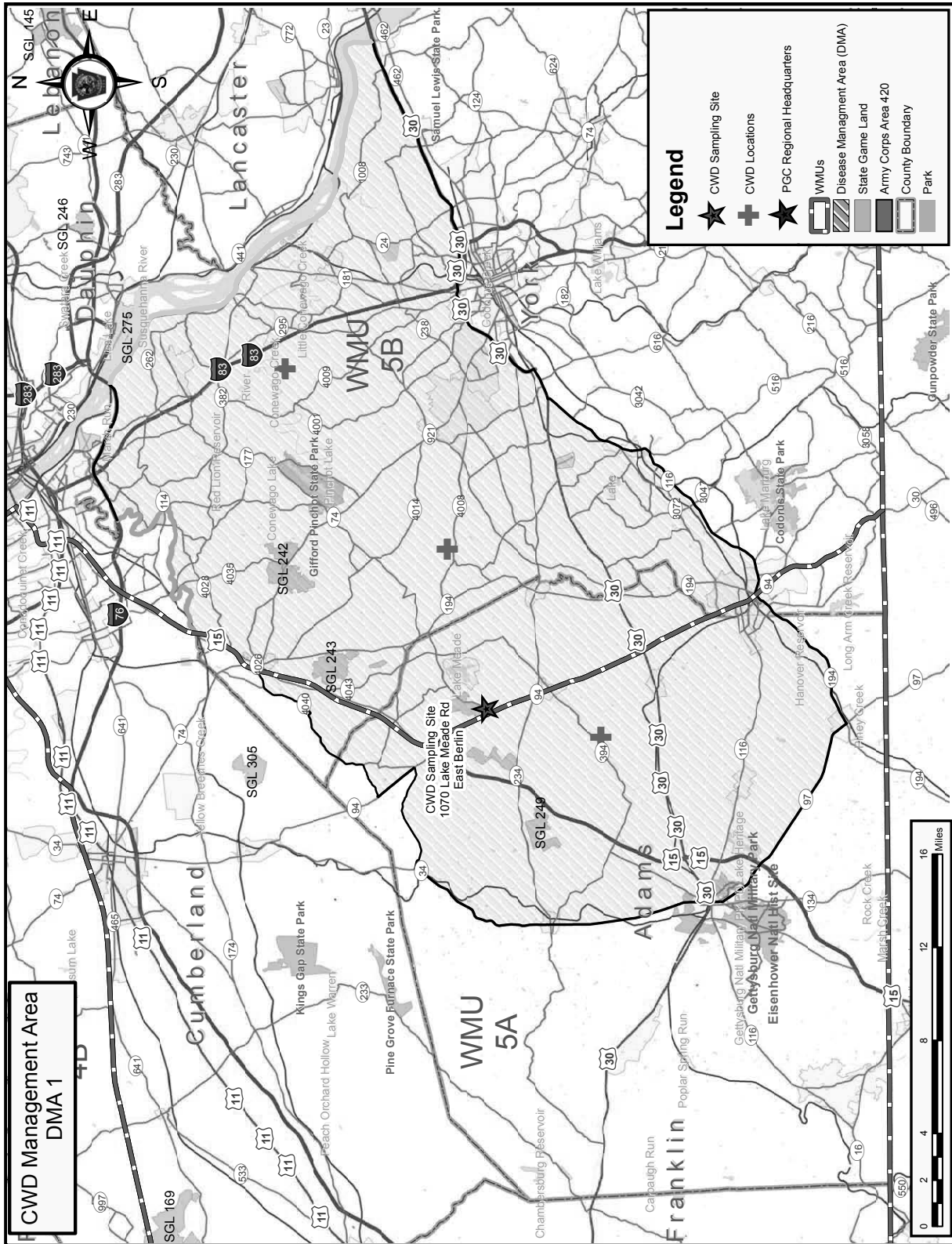
12. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation, exportation, possession, transportation or testing requirements on cervid parts or materials.

13. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by PDA.

14. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 25th day of March, 2013.

CARL G. ROE,  
*Executive Director*



Revision Date: 3/22/2013





# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4933	State Board of Medicine Prescribing	3/21/13	5/16/13
54-72	Pennsylvania Liquor Control Board Prize Limits for Events, Tournaments and Contests	3/25/13	5/16/13
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
12-96	Department of Labor and Industry Unemployment Compensation; Active Search for Work	3/26/13	4/18/13

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-637. Filed for public inspection April 5, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Wendy Engleman; file no. 13-188-135524; Nationwide Affinity Insurance Company of America; Doc. No. P13-03-012; May 2, 2013, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce docu-

mentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-638. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Leonard L. House; file no. 13-114-136539; State Farm Fire and Casualty Insurance Company; Doc. No. P13-03-021; May 7, 2013, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-639. Filed for public inspection April 5, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Purchase of Assets

**A-2013-2354081. Herman Oil and Gas Company, Inc.** Application for approval of an agreement to purchase/convey the assets of the Herman Oil and Gas Company, Inc. from Mark E. Smith to Andrew E. Smith.

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 22, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Herman Oil and Gas Company, Inc.

*Through and By Counsel:* H. William White, III, Esquire, Dillon, McCandless, King, Coulter & Graham, LLP, 128 West Cunningham Street, Butler, PA 16001

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-640. Filed for public inspection April 5, 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 22, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

**A-2013-2351112. Joseph G. Campbell, t/a J. G. Campbell Driving Service** (61 Railway Drive, Kirkwood, PA 17536), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-641. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2354840. American Broadband and Telecommunications Company.** Application of American Broadband and Telecommunications Company for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Frontier Communications of Pennsylvania.

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 22, 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 <http://www.puc.pa.gov/>, and at the applicant's business address.

*Applicant:* American Broadband and Telecommunications Company

*Through and By Counsel:* Henry T. Kelly, Kelley, Drye & Warren, LLP, 333 West Wacker Drive, 26th Floor, Chicago, IL 60606

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-642. Filed for public inspection April 5, 2013, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-024.6, PAMT, Building 7 Fire Alarm Control Panel and Devices Replacement, until 2 p.m. on Thursday, May 2, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-643. Filed for public inspection April 5, 2013, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-014.1, PAMT Water Pit Plumbing and Electrical Rehabilitation, until 2 p.m. on Friday, May 10, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-644. Filed for public inspection April 5, 2013, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

### Bureau of Professional and Occupational Affairs v. Miguel A. Rivera, Jr.; Doc. No. 0020-42-2013

On January 8, 2013, the State Board of Barber Examiners (Board) suspended the license of Miguel A. Rivera, Jr., license no. BL053772, of Lancaster, Lancaster County. The Board took this action under the Order of the Court of Common Pleas of Allegheny dated December 20, 2012, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOHN E. PAYNE, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 13-645. Filed for public inspection April 5, 2013, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Cris Beauty Salon, t/d/b/a Cris Beauty Salon

On December 27, 2012, Cris Beauty Salon, t/d/b/a Cris Beauty Salon, license no. CB122064, of Allentown, Lehigh County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to Juan A. Ruiz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 13-646. Filed for public inspection April 5, 2013, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Sarah L. McCloskey, LPN; Doc. No. 1910-51-12

On February 7, 2013, Sarah L. McCloskey, LPN, license no. PN275439, of Philadelphia, Philadelphia County, had her nursing license actively suspended effective November 15, 2012, for violating a previous State Board of Nursing (Board) order.

Individuals may obtain a copy of the final adjudication and order by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

Individuals may file a request for a hearing to challenge the validity of the order compelling the examination or to contest the allegations of the motion to deem facts admitted along with an answer within 20 days of publication of this notice. If a request for hearing and answer are not filed within the time period set forth previously, a final adjudication and order indefinitely suspending the individual's license will be issued by the Board.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-647. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Tyrone Earl Peterkin, LPN; Doc. No. 0231-51-12**

On July 5, 2012, Tyrone Earl Peterkin, LPN, no. PN253934L of Philadelphia, Philadelphia County was automatically suspended, retroactive to February 6, 2012, based upon his felony conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the final adjudication and order by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

Individuals may file a request for a hearing to challenge the validity of the order compelling the examination or to contest the allegations of the motion to deem facts admitted along with an answer within 20 days of publication of this notice. If a request for hearing and answer are not filed within the time period set forth previously, a final adjudication and order indefinitely suspending the individual's license will be issued by the State Board of Nursing.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-648. Filed for public inspection April 5, 2013, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Janette Marie Pierre-Louis, LPN; Doc. No. 0885-51-12**

On December 7, 2012, Janette Marie Pierre-Louis, LPN, license no. PN263437, of Philadelphia, Philadelphia County, was indefinitely suspended retroactive to August 8, 2012, for being unable to practice with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the final adjudication and order by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

Individuals may file a request for a hearing to challenge the validity of the order compelling the examination or to contest the allegations of the motion to deem facts admitted along with an answer within 20 days of publication of this notice. If a request for hearing and answer are not filed within the time period set forth previously, a final adjudication and order indefinitely suspending the individual's license will be issued by the State Board of Nursing.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-649. Filed for public inspection April 5, 2013, 9:00 a.m.]

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**Bureau of Professional and Occupational Affairs v. Walter J. Illich; Doc. No. 0023-60-2013; File 13-60-00070**

On January 8, 2013, Walter J. Illich, license no. MV203320 of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated December 13, 2012, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

FRANK SNYDER,  
*Chairperson*

[Pa.B. Doc. No. 13-650. Filed for public inspection April 5, 2013, 9:00 a.m.]

**STATE EMPLOYEES' RETIREMENT BOARD**

**Hearings Scheduled**

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 30, 2013	Anissa Bane Disability Retirement Benefits	1 p.m.
May 1, 2013	Leona C. Caviston (D) Death Benefit	1 p.m.
May 21, 2013	Cynthia Komlos Disability Retirement Benefits	1 p.m.
May 22, 2013	Robert D. Mull Benefit Recalculation	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 13-651. Filed for public inspection April 5, 2013, 9:00 a.m.]